

**JOURNAL**  
**OF THE**  
**SENATE**  
**OF THE**  
**STATE OF ALABAMA**  
  
**REGULAR SESSION**  
**OF 1980**

**HELD IN THE CITY OF MONTGOMERY**  
**COMMENCING TUESDAY, FEBRUARY 5, 1980**



**VOL. 2**  
**WITH AN INDEX PREPARED BY THE**  
**SECRETARY OF THE SENATE**

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To facilitate research in the Senate Journal, the following information is included at the end for your convenience.

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7. A miscellaneous index, including all items not categorized as bills or resolutions;
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# JOURNAL OF THE SENATE OF THE STATE OF ALABAMA REGULAR SESSION OF 1980

## TWENTY-SIXTH LEGISLATIVE DAY

TUESDAY, APRIL 29, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

### PRAYER

The Session was opened with prayer by the Reverend Hal E. McNeely, Assistant Minister, Trinity Presbyterian Church, Montgomery, Alabama.

### ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

### JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Fifth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

### COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Fifth Legislative Day was approved by the Senate.

## REPORTS OF COMMITTEES

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Smith and McDonald:

S. 592. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and providing for voting requirements for adoption or amendment of any plan, quorums, approval of subdivisions, and the passage of any question before the commission, other than the adoption or amendment of any plan where such alternate structure has been adopted.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Pearson:

S. 478. To provide for uniform spring holidays for all county and city school systems in Alabama.

By Mr. Gullledge:

S. 34. To amend Section 16-25-10.1, Code of Alabama 1975, which provides that employees of the Alabama Association of School Boards may elect to become members of the Teachers' Retirement System, so as to include employees of the Alabama Vocational Association.

By Reps. Bedsole and Harper (T):

H. 259. To amend Section 16-9-11, Code of Alabama, 1975, to change the period of time a local board of education has in filling a vacancy in the office of county superintendent of education.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Bedsole, et al:

H. 488. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration or to knowingly assist in the preparation of false claims; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. Parsons:

S. 526. To amend Section 27-7-5 Code of Alabama, 1975, as amended, which regulates the licensing of insurance agents, by limiting the persons to whom licenses may be issued and establishing qualifications required for said persons to be issued a license.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. St. John:

S. 509. To amend Section 13A-5-31 of the Alabama Criminal Code, previously Section 13-11-2 of the Code of Alabama 1975, relating to aggravated offenses for which death penalty to be imposed, so as to adapt the language relating to the classification of offenses to the more recent language contained in the Alabama Criminal Code as enacted in 1977.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harvey: (With Substitute):

H. 141. Relating to debtor exemptions; providing that the federal exemptions in Section 522(d) of the Bankruptcy Act of 1978 (11 U.S.C. § 522 (d)) are not available to persons residing in this state; providing an effective date.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks (with notice and proof):

S. 130. Relating to Macon County; to provide further compensation for the clerk and members of the jury commission, payable from the county general fund; and providing retroactive effect.

By Mr. Teague (with notice and proof):

S. 502. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide for retroactive effect.

By Mr. Lemaster (with notice and proof):

S. 595. Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

By Mr. Proctor (with notice and proof):

S. 598. Relating to Coosa County; providing a monthly expense allowance for the county coroner.

By Mr. McDonald (with notice and proof):

S. 599. Relating to the Thirty-ninth Judicial Circuit; providing a county salary supplement for the circuit judges effective the next fiscal year of Limestone County.

By Mr. Gullledge (with notice and proof):

S. 600. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

By Reps. Moore and Smith (C) (with notice and proof):

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

By Rep. Moore (with notice and proof):

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

By Reps. Gregg, Albright and Smith (J) (with notice and proof):

H. 792. An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

By Rep. Waggoner (with notice and proof):

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

By Rep. Mitchell (with notice and proof):

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

By Rep. McCorquodale (with notice and proof):

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

By Rep. McCorquodale (with notice and proof):

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers,

duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

By Rep. McCorquodale (with notice and proof):

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

By Rep. Waggoner (with notice and proof):

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Rep. McCorquodale (with notice and proof):

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

By Rep. Cooley and Bowling (with notice and proof):

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

By Rep. Warren and McCorquodale (with notice and proof):

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the cheif clerk of the judge of probate in Monroe County," so as to increase said compensation.

By Rep. Laird, Ward, Turnham and Harper (O) (with notice and proof):

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

By Rep. Roberts (with notice and proof):

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

By Rep. Roberts (with notice and proof):

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

By Rep. Patton (with notice and proof):

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733. S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation, and to give this Act retroactive effect.

By Rep. Patton (with notice and proof):

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

By Reps. Cooley and Bowling (with notice and proof):

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Amari (with notice and proof):

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

By Reps. Waggoner, Howard, Gafford, Seibels and Horn: (with notice and proof):

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Mr. Higginbotham (With Substitute):

S. 127. To prohibit certain acts relating to tampering with motor vehicle odometers, to require transferor's giving of an odometer certification, recording of mileage on title or bill of sale; and to provide penalties for violation.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Waggoner and Bennett:

H. 891. To amend Section 37-3-4 and 37-3-33, Code of Alabama 1975 so as to alter the exemption granted motor vehicles hauling passengers to and from their place of employment.

By Reps. Starkey, Coburn and Greer:

H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize

such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Barton, Ford, Dial, Crow and Penry (With Amendment):

H. 59. To provide that members of the national guard while on emergency state active duty may be possessed with the same legal authority as any other state law enforcement officer, including but not limited to all law enforcement powers including powers of arrest.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill had been returned to the end of the Regular Calendar, for today, to-wit:

By Rep. Barton (With Amendments):

H. 400. To amend Section 40-5-9 of the Code of Alabama 1975, relating to ad valorem taxation so as to provide a ten percent (10%) penalty for the delinquent payment of same and to increase the interest due thereon.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills had been placed on the Consent Calendar for today, to-wit:

By Mr. Bailey:

S. 136. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

By Mr. Bailey:

S. 137. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

By Mr. Figures:

S. 168. To amend Section 6-10-123 of the Code of Alabama 1975 to provide that for any waiver of exemption rights to be enforceable, the party asserting waiver must plead and, if controverted, prove to the reasonable satisfaction of the trier of fact that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

By Mr. Cook:

S. 471. To provide franchisees with certain rights and remedies in addition to those existing in contract or common law in certain business negotiations with franchisors; to prescribe regulations relating to such negotiations and to provide civil remedies for violation of such regulations.

By Mr. deGraffenried:

S. 474. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

By Mr. Little:

S. 529. To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

By Reps. Roberts, Carter, Patton and Smith (C):

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

By Rep. Ray:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

By Reps. Zoghby and Sandusky:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

By Rep. Patton:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.



By Rep. Albright:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

By Rep. Albright:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

By Rep. Willis:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 49. To require any public water works board in a Class 1 municipality in the state to pay  $6\frac{1}{2}\%$  interest per annum on all customer security deposits required for services.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	Proctor
Bailey	Hall	Martin	St. John
Britnell	Harrison	McDonald	Smith
Clemon	Higginbotham	Miller	Teague
Cook	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	White
Glass	LeMASTER		

—25

Nays:

—0

The Bill:

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs outside in the yard of any residence or in vacant lots within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 50, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 50

A BILL  
TO BE ENTITLED  
AN ACT

Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs in vacant lots not adjacent or contiguous to a residence within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census, no person shall put any dog or dogs in a vacant lot which is not adjacent or contiguous to his residence.

Section 2. The provisions of this act shall not apply to any person who is a licensed veterinarian operating his business in an area zoned therefor; nor shall the provisions of this act apply to any person using dogs to guard his business.

Section 3. The county health department is authorized to promulgate and enforce any reasonable rules and regulations necessary to implement the provisions of this act. Notice of such rules and regulations shall be given by publication thirty (30) days before the effective date.

Section 4. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 6. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Barron	Glass	Martin	St. John
Britnell	Gulledge	McDonald	Taylor
Clemon	Hall	Miller	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—25

*Nays:*

—0

And said Bill, H. B. 50, as thus amended by the substitute, was read a third time at length and passed.

REGULAR SESSION  
26th Day

1323

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Barron	Glass	Martin	St. John
Britnell	Gulledge	McDonald	Taylor
Clemon	Hall	Miller	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Proctor
Bailey	Goodwin	McDonald	St. John
Britnell	Hall	Miller	Smith
Clemon	Higginbotham	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
Denton	Kirkland	Pearson	White
Figures	Lemaster		

—25

*Nays:* —0

The Bill:

S. 397. To amend Act No. 31 of the Alabama Legislature, Second Special Session, 1975 which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing a public transportation service in such county and the compensation of directors of any such authority.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Gulledge	McDonald	Smith
Callahan	Hall	Miller	Taylor
Cook	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

S. 532. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	Martin	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cle non	Higginbotham	Pearson	White	
Cook	Keener			—25

Vays: —0

The Bill:

S. 577. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John	
Bailey	Glass	Martin	Taylor	
Britnell	Gulledge	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cle non	Higginbotham	Pearson	Weeks	
deGraffenried	Holmes	Proctor	White	
Denton	Keener			—25

Vays: —0

The Bill:

S. 591. To amend further Act No. 470, H. 952 of the regular session of 1939, approved September 15th, 1939, (local acts, 1939, page 298), and amended by Act No. 684 Regular Session of 1976 which creates and establishes the County-wide Civil Service System in Mobile County, so as to provide for an expense allowance and compensation for the members of the Personnel Board, and to provide for equal promotional opportunity for entry level unskilled laborers who have been employed in a jurisdiction for a minimum of six (6) months.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION  
26th Day

1325

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Harrison	McDonald	Taylor	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Keener	Parsons	Weeks	
Figures	Kirkland			—25

*Nays:* —0

The Bill:

S. 593. Relating to Law Enforcement of Mobile County, fixing the fee for the issuance of pistol permits; specifically, amending Section 1 of Act No. 474, S. 259, Regular Session 1969 (Acts 1969, p. 930).

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Callahan	Gulledge	McDonald	Vacca	
Cook	Hall	Miller	Weeks	
deGraffenried	Higginbotham	Parsons	White	
Denton	Holmes			—25

*Nays:* —0

The Bill:

S. 594. Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Smith	
Bailey	Higginbotham	McDonald	Taylor	
Callahan	Holmes	Mitchem	Teague	
Clemon	Keener	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Gulledge	Little			—25

*Nays:* —0

The Bill:

H. 193. Relating to Mobile County; providing for an additional expense allowance for the tax collector.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Vacca	
Callahan	Harrison	Mitchem	Weeks	
deGraffenried	Higginbotham	Pearson	White	
Denton	Keener			—25

Vays: —0

The Bill:

H. 236. Relating to Mobile County; providing for the position of supernumerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson	
Barron	Glass	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	McDonald	Taylor	
Clemon	Harrison	Mitchem	Teague	
Cook	Holmes	Parsons	White	
deGraffenried	Keener			—25

Vays: —0

The Bill:

H. 409. Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Little	Smith	
Britnell	Gulledge	McDonald	Taylor	
Callahan	Hall	Mitchem	Teague	
Clemon	Harrison	Pearson	Vacca	
deGraffenried	Holmes	Proctor	Weeks	
Denton	Keener	St. John	White	
Figures	LeMASTER			—25

Vays: —0

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The Bill:

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	St. John
Bailey	Goodwin	Little	Smith
Barron	Gulledge	McDonald	Teague
Callahan	Higginbotham	Miller	Vacca
Clemon	Holmes	Parsons	Weeks
Cook	Keener	Proctor	White
Figures	Kirkland		
			—25

*Nays:* —0

The Bill:

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Gulledge	McDonald	Smith
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	White
deGraffenried	Kirkland		
			—25

*Nays:* —0

The Bill:

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Cook	Glass	Keener
Barron	deGraffenried	Gulledge	Kirkland
Britnell	Denton	Hall	Lemaster
Callahan	Figures	Holmes	Little

McDonald	Parsons	Smith	Teague	
Miller	Pearson	Taylor	Weeks	
Mitchem	St. John			—25
Nays:				—0

The Bill:

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	St. John	
Bailey	Goodwin	Little	Smith	
Britnell	Gulledge	Miller	Taylor	
Callahan	Hall	Parsons	Vacca	
Cook	Higginbotham	Pearson	Weeks	
deGraffenried	Keener	Proctor	White	
Figures	Kirkland			—25
Nays:				—0

The Bill:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

was taken up.

Mr. Callahan offered the following amendment to the Bill, H. B. 724, to-wit:

#### AMENDMENT TO H. B. 724

By Rep. Callahan:

Amend H. B. 724 on page 1, line 37, by striking therefrom the period at the end of the sentence and inserting in lieu thereof a comma.

Further amend H. B. on page 1, line 37, by adding after the word "area" the following: is hereby repealed.

Which was adopted.



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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	McDonald	Smith
Barron	Gulledge	Miller	Taylor
Callahan	Higginbotham	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Kirkland	Proctor	Weeks
Figures	Lemaster	St. John	White
Glass	Little		

—25

*Nays:* —0

And said Bill, H. B. 724, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	McDonald	Smith
Barron	Gulledge	Miller	Taylor
Callahan	Higginbotham	Parsons	Teague
Cook	Holmes	Pearson	Vacca
Denton	Kirkland	Proctor	Weeks
Figures	Lemaster	St. John	White
Glass	Little		

—25

*Nays:* —0

The Bill:

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Gulledge	Little	St. John
Barron	Hall	Martin	Taylor
Britnell	Harrison	McDonald	Teague
Clemon	Holmes	Mitchem	Weeks
Cook	Keener	Pearson	White
deGraffenried	Kirkland		

—25

*Nays:* —0

The Bill:

H. 831. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Lemaster	St. John	
Britnell	Goodwin	Little	Smith	
Callahan	Gulledge	Martin	Vacca	
Clemon	Hall	McDonald	Weeks	
Cook	Higginbotham	Mitchem	White	
Denton	Keener			—25

*Nays:*

—0

The Bill:

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Pearson	
Bailey	Glass	Lemaster	St John	
Britnell	Goodwin	Little	Smith	
Callahan	Gulledge	Martin	Vacca	
Clemon	Hall	McDonald	Weeks	
Cook	Higginbotham	Mitchem	White	
Denton	Keener			—25

*Nays:*

—0

The Bill:

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Barron	Hall	McDonald	Taylor	
Britnell	Harrison	Mitchem	Vacca	
Clemon	Higginbotham	Pearson	Weeks	
Cook	Holmes	Proctor	White	
deGraffenried	Kirkland			—25

*Nays:*

—0

The Bill:

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

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was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Proctor
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
Denton	Holmes	Pearson	Weeks
Figures	Keener		

—25

*Nays:* —0

The Bill:

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Smith
Callahan	Gulledge	McDonald	Taylor
Clemon	Harrison	Mitchem	Vacca
deGraffenried	Higginbotham	Parsons	Weeks
Denton	Holmes		

—25

*Nays:* —0

The Bill:

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Callahan	Gulledge	McDonald	Taylor	
Clemon	Harrison	Mitchem	Vacca	
deGraffenried	Higginbotham	Parsons	Weeks	
Denton	Holmes			—25

*Vays:* —0

The Bill:

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Britnell	Goodwin	Martin	Smith	
Callahan	Gulledge	Mitchem	Taylor	
Clemon	Higginbotham	Parsons	Teague	
Cook	Holmes	Pearson	Weeks	
Denton	Kirkland			—25

*Vays:* —0

The Bill:

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	McDonald	Taylor	
Barron	Gulledge	Miller	Teague	
Callahan	Higginbotham	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
deGraffenried	Kirkland	Proctor	White	
Figures	Little			—25

*Vays:* —0

The Bill:

H. 953. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

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was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Barron	Gulledge	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Pearson	Vacca
Clemon	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Lemaster		

—25

*Nays:* —0

The Bill:

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	St. John
Bailey	Goodwin	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Higginbotham	Parsons	Teague
Clemon	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Act 1957, p. 269).

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Barron	Hall	McDonald	Smith
Clemon	Harrison	Miller	Taylor
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county

board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Hall	McDonald	Smith	
Clemon	Harrison	Miller	Taylor	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Holmes	Pearson	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John	
Bailey	Hall	Little	Smith	
Barron	Harrison	McDonald	Taylor	
Britnell	Higginbotham	Miller	Teague	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Britnell	Cook	Denton
Bailey	Clemon	deGraffenried	Figures

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Glass	Kirkland	Mitchem	Taylor	
Gulledge	Lemaster	Pearson	Teague	
Hall	Little	Proctor	Weeks	
Holmes	Martin	St. John	White	
Keener	McDonald			—25

*Nays:* —0

The Bill:

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Proctor	
Bailey	Gulledge	Martin	St. John	
Barron	Hall	McDonald	Smith	
Clemon	Higginbotham	Miller	Teague	
Cook	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Figures	Lemaster			—25

*Nays:* —0

The Bill:

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Britnell	Goodwin	Martin	Smith	
Callahan	Gulledge	Miller	Taylor	
Cook	Harrison	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Proctor	
Barron	Gulledge	Martin	St. John	
Callahan	Hall	Miller	Smith	
Clemon	Harrison	Mitchem	Taylor	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	Weeks	
Figures	Lemaster			—25

*Nays:*

—0

The Bill:

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	St. John	
Bailey	Goodwin	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
deGraffenried	Keener	Proctor	White	
Denton	Lemaster			—25

*Nays:*

—0

The Bill:

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	St. John	
Bailey	Gulledge	McDonald	Smith	
Barron	Hall	Miller	Taylor	
Callahan	Harrison	Parsons	Teague	
Clemon	Higginbotham	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

*Nays:*

—0



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The Bill:

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Callahan	Harrison	Parsons	Teague
Clemon	Higginbotham	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Barron	Glass	Martin	Smith
Britnell	Gulledge	McDonald	Taylor
Callahan	Hall	Mitchem	Teague
Cook	Harrison	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Kirkland		

—25

Nays: —0

The Bill:

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Pearson
Bailey	Glass	Lemaster	Proctor
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Taylor
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	White
deGraffenried	Keener		

—25

Nays: —0

The Bill:

H. 997. To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	St. John	
Bailey	Gulledge	Little	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Harrison	Mitchem	Vacca	
Cook	Higginbotham	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Kirkland			—25

Nays: —0

The Bill:

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Proctor	
Bailey	Glass	Lemaster	St. John	
Barron	Goodwin	Little	Teague	
Britnell	Gulledge	Martin	Vacca	
Callahan	Hall	McDonald	Weeks	
Clemon	Harrison	Parsons	White	
deGraffenried	Higginbotham			—25

Nays: —0

## RESOLUTION

Messrs. Parsons, Bailey, Barron, Birtnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 177. A RESOLUTION COMMENDING BRAVE MEN.

WHEREAS, the fabled heroes of America have faded and died so that few remain and we are without the spirit of bravery that has come to characterize the name "American"; and

WHEREAS, eight brave men have given their lives in a remote Iranian desert in pursuit of freedom for their fellow Americans; and

WHEREAS, their bravery, dedication and ultimate sacrifice will be the substance of stories told and retold wherever brave men and women gather; now therefore

BE IT RESOLVED THAT THE ALABAMA SENATE, HOUSE CONCURRING, that we pause in the wake of this tragedy to honor the lives and names of these brave men who acted for their nation's honor: From the Air Force, Capt. Harold Lewis, 35, Mansfield, Conn.; Capt. Lynn McIntosh, 33, Valdosta, Ga.; Capt. Richard L. Bakke, 33, Long Beach, Calif.; Capt. Charles McMillian, 29, Boise, Idaho; and T/Sgt. Joel C. Mayo, Bonifay, Fla.; From the Marine Corps, Cpl. George M. Holmes Jr., 22, Pine Bluff, Ark.; Sgt. John Davis Harvey, 21, Jacksonville, N. C.; and Staff Sgt. Dewey L. Johnson, Jacksonville, N. C.

BE IT FURTHER RESOLVED that a copy of this resolution be delivered to the next of kin of these gallant men so that the memory of their sacrifice will not diminish with time and will serve as a lasting legacy.

On motion of Mr. Parsons, the Rules were suspended and the Resolution was adopted by the Senate.

#### RULE 60 SUSPENDED

Mr. Little moved that Senate Rule 60 be suspended in order that local bills may be referred to the two Local Legislation Committees, which motion was adopted.

#### CONSENT CALENDAR

The Bill:

S. 136. To amend § 27-30-33, Code of Alabama 1975 requiring Mutual Aid Associations to follow the provisions of the Insurance Holding Company System Regulatory Act found in Chapter 29 of Title 27, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Smith
Bailey	Hall	Little	Taylor
Barron	Harrison	Miller	Weeks
Denton	Holmes	Robertson	White
Goodwin	Kirkland	St. John	—18

Nays: —0

The Bill:

S. 137. To prohibit the formation of new Mutual Aid Associations under the provisions of §§ 27-30-1 through 27-30-33, Code of Alabama 1975.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	Barron	deGraffenried	Figures
Bailey	Cook	Denton	Goodwin

Gulledge  
Hall  
Higginbotham  
Holmes

Keener  
Lemaster  
Little  
Martin

Miller  
Proctor  
Smith

Taylor  
Weeks  
White.

—21

*Nays:*

—0

### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 80. To make an additional appropriation to the Alabama Real Estate Commission from the Alabama Real Estate Commission Fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Also:

S. 327. To amend the Title and Section 1 of Act No. 79-722 adopted at the 1979 Regular Session of the Legislature of Alabama approved August 8, 1979, entitled "An Act relative to Class 4 and 5, and 7 and 8 municipalities in this state having a population of not less than 25,000 and not more than 99,999 inhabitants or a population of 11,999 or less inhabitants according to the last or any subsequent Federal decennial census; authorizing each such municipality to acquire properties suitable for use by any commercial enterprise in furnishing hotel services, including food or lodging or both, and the rental of ground floor space or other accommodations to others engaged in any business, trade, profession, occupation or activity; authorizing such municipalities to lease such properties subject to certain specified requirements; authorizing such municipalities to finance the acquisition of such properties by the issuance of revenue bonds payable solely out of the revenues from the leasing of such properties and to secure such bonds by pledges of such revenues and leases and by mortgages on such properties; providing that all such bonds shall be negotiable instruments; authorizing the refunding of any such bonds; providing for remedies in the event of default respecting any bonds issued under the act; exempting from taxation such properties and the revenue from the lease thereof, such bonds and the income therefrom, all mortgages executed as security therefor and all lease agreements made hereunder; prohibiting any such municipality from making contributions to the cost of any such properties and from furnishing land therefor; providing that such bonds and any agreements made in connection therewith shall not constitute an indebtedness of a municipality or a pecuniary liability of any kind; providing that such bonds shall be legal investments for savings banks and insurance companies organized under the laws of this state; providing the purposes for which the proceeds from the sale of such bonds may be used; providing that no notice to or consent or approval by any governmental body or public officer shall be a prerequisite to the issuance of such bonds or the securing thereof", so as to make said Act applicable to Class 6 municipalities in the state.

Also:

S. 393. Relating to the promotion of the production, distribution, improvement, marketing, use and sale of soybeans and soybean products; to

amend Section 2-8-88 of the Code of Alabama 1975, so as to increase the intervals between referendums on the assessments imposed on the sale of soybeans for such promotion from three to five years; to amend Section 2-8-91 so as to delete the three percent of the total assessment that the buyer collects for handling said assessments; to repeal Section 2-8-93, Code of Alabama 1975, so as to eliminate the exemption from the payment of such assessment at the point of sale; and to provide for a referendum within 90 days of the effective date hereof.

Also:

S. 459. Relating to St. Clair County; providing for the hiring of certain personnel in the office of the sheriff in said county and prescribing salaries for such personnel.

Also:

S. 493. Relating to Wilcox County; to provide certain expense allowances for the Tax Assessor and Tax Collector of said county and to repeal all conflicting statutes.

Also:

S. 541. To provide for distribution of the share of in-lieu-of-taxes payments of T.V.A. for Marshall County and the appropriate municipalities therein.

Also:

S. 543. Relating to Lowndes County; providing for clerical assistance for the tax assessor and tax collector of such county until September 1, 1980; and giving this act retroactive effect.

Also:

S. J. R. 9. Applying to Congress to call a Constitutional Convention concerning the protection of human life at every state of its biological development.

Also:

S. J. R. 165. MOURNING THE DEATH OF WILLIAM KELLY LITRELL OF HARTSELLE, ALABAMA.

Also:

S. J. R. 166. EXTENDING A WARM WELCOME TO A NATIVE SON, HONORABLE WAYNE MIXSON, LIEUTENANT GOVERNOR OF FLORIDA.

Also:

S. J. R. 169. COMMENDING MISS DONNA BARROW FOR BEING CHOSEN 1980 ALABAMA TEXTILE QUEEN.

Also:

S. J. R. 173. MOURNING THE DEATH OF MR. B. ROPER DIAL, PROMINENT BIRMINGHAM BUSINESSMAN AND CIVIC LEADER.

Also:

S. J. R. 174. RECOGNIZING COACH CHARLES MARTIN NEWTON FOR EXTRAORDINARY ACHIEVEMENT AS HEAD BASKETBALL COACH FOR THE UNIVERSITY OF ALABAMA.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions the titles of which are set out in the foregoing report from the Committee on Rules.

CONSENT CALENDAR BILLS ON THIRD  
READING RESUMED

The Bill:

S. 168. To amend Section 6-10-123 of the Code of Alabama 1975 to provide that for any waiver of exemption rights to be enforceable, the party asserting waiver must plead and, if controverted, prove to the reasonable satisfaction of the trier of fact that the party against whom waiver is asserted did so with actual knowledge of their exemption rights and of the existence of any provision for waiver contained in the instrument relied upon by the party asserting waiver, prior to his or her execution thereof.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Abstaining 1.

Yeas:

Messrs.:	Figures	Keener	Proctor	
Britnell	Goodwin	Kirkland	St. John	
Cook	Hall	Little	Smith	
deGraffenried	Harrison	Martin	Taylor	
Denton	Holmes	Pearson	Weeks	—19

Nays: —0

Abstaining: Mr. Barron —1

The Bill:

S. 471. To provide franchisees with certain rights and remedies in addition to those existing in contract or common law in certain business negotiations with franchisors; to prescribe regulations relating to such negotiations and to provide civic remedies for violation of such regulations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 16; Nays 3.

Yeas:

Messrs.:	Goodwin	Holmes	Proctor	
Barron	Gulledge	Keener	Taylor	
Britnell	Harrison	Little	Vacca	
Cook	Higginbotham	Martin	White	
Denton				—16

Nays: Messrs.: deGraffenried, Hall, St. John —3

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The Bill:

S. 474. To amend Section 1 of Act No. 600, H. 1134 of the 1977 Regular Session (Acts 1977, Vol. II, p. 805), which act provides a pay increase for any law enforcement officer who has full peace officer authority, so as to extend eligibility to security and safety officers of the mental health department and to provide that such increases for such officers shall be paid from the mental health fund in the state treasury.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Robertson
Bailey	Goodwin	Lemaster	St. John
Britnell	Hall	Little	Taylor
Cook	Harrison	Martin	Vacca
deGraffenried	Holmes	Proctor	White

—19

Nays: —0

The Bill:

S. 529. To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Harrison	Lemaster	Proctor
Bailey	Higginbotham	Little	Robertson
Barron	Holmes	Martin	St. John
Callahan	Keener	Mitchem	Smith
Hall	Kirkland	Parsons	Taylor

—19

Nays: —0

The Bill:

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

was read a third time at length and passed.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Barron	Hall	Holmes
Bailey	Britnell	Harrison	Keener

Kirkland	Mitchem	Robertson	Taylor	
Lemaster	Parsons	St. John	Vacca	
Little	Proctor	Smith	White	
Martin				—20
Vays:				—0

The Bill:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Robertson	
Barron	Figures	Lemaster	St. John	
Britnell	Hall	Little	Smith	
Callahan	Harrison	Martin	Taylor	
Cook	Holmes	Mitchem	White	
deGraffenried	Keener	Parsons		—22

Vays: —0

The Bill:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Figures	Higginbotham	Martin	
Barron	Glass	Holmes	Parsons	
Callahan	Goodwin	Keener	Smith	
Cook	Hall	Lemaster	Taylor	
Denton	Harrison	Little		—18

Nays: —0

The Bill:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1957, which limits the amount of license a municipality may levy on vending and weighing machines.

was read a third time at length and passed.



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Yeas 18; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	St. John	
Barron	Gulledge	Kirkland	Smith	
deGraffenried	Hall	Lemaster	Taylor	
Denton	Harrison	Little	White	
Glass	Higginbotham	Martin		—18
Nays:				—0

RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 178. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-sixth legislative day only:

Bill No.	Page No.	Description
H. B. 82	141	To promote temp. by reg. the sale of alcoholic bev.
S. B. 377	89	Drugs
H. B. 244	27	Civil action for inj. to person or rights of another res. from exp. to asbestos
H. B. 815	139	Make further approp. of state Funds
S. B. 590	129	Ins. for Deaf and Blind
S. B. 305	86	Attorney, power, acknow. death prin.
S. B. 496	76	Ed., disability det, div., merit sys.
S. B. 563	139	Deputy Sheriffs min. salary
S. B. 115	103	LEO, Guaranteed Min. Wage
S. B. 512	72	Banks, holiday closing Memorial Day
S. B. 374	29	Mobile Homes, uniform stds. act
S. B. 375	30	Ins. Comm., Negligent Acts
S. B. 376	30	Ins., Surplus line brokers
S. B. 141	28	Ins., Exam, Certain Exempt Outside st.
S. B. 370	94	Solar Energy, Tax credit
S. B. 371	95	Solar Energy, passive usage, tax credit
S. B. 562	95	Agr. Fairs Comm. per diem exp.
S. B. 134	6	Ins. Stock and Mutual, Treated Equally

S. B. 444	46	Tax Assessor and Tax Collector Fee Sch.
S. B. 325	53	Torts "Good Samaritan Act".
S. B. 140	10	Ins. False Statements, Venue Mgt. Co.
S. B. 219	93	Military, Retirement Income, exempt
S. B. 475	89	AL. Unempl. Comp. Act, Incr. ben.
S. B. 308	46	Savings & Loan Assoc. Int.
S. B. 192	3	Empl's Moving exp., inc.
S. B. 364	64	Public Warehouses
S. B. 43	2	Alabama Banking Code
S. B. 245	33	AL. Student Loan Auth.
S. B. 559	109	Barbers, Lic. by Bd. of Cosmetology
S. B. 215	31	Ins. Exam.
S. B. 373	62	Env. Serv. Dept. Surface Mining
S. B. 531	91	Fire Systems, Installers Regu.
S. B. 213	116	Firefighters, stds-ed. comm.
S. B. 554	82	Mun., class 5' Incorpor. a port auth.
S. B. 365	75	LEO, prohibit strikes
S. B. 231	61	Unempl. comp. act., am'd
S. B. 446	85	Deceptive Trade Practices Act
S. B. 195	61	Unempl. Comp. Act, interest rate

Mr. Hall offered the following amendment to the Resolution, S. R. 178, to-wit:

#### SUBSTITUTE TO S. R. 178

Amend S. R. 178 by deleting S. B. 373.

On motion of Mr. Gulletge, said amendment was laid on the table.

Yeas 18; Nays 9.

*Yeas:*

Messrs.:  
Callahan  
Cook  
Denton  
Goodwin

Gulletge  
Harrison  
Higginbotham  
Holmes  
Little

Martin  
McDonald  
Miller  
Pearson  
St. John

Smith  
Taylor  
Teague  
White

—18

*Nays:*

Messrs.:  
Bailey  
Barron

Britnell  
Hall  
Keener

Kirkland  
Parsons

Proctor  
Robertson

—9

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Mr. Robertson offered the following substitute for the Resolution, S. R. 178, to-wit:

SUBSTITUTE FOR S. R. 178

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-sixth legislative day only:

Bill No.	Page No.	Description
S. B. 377	89	Drugs
H. B. 244	27	Civil action for inj. to person or rights of another res. from exp. to asbestos
H. B. 815	139	Make further approp. of State Funds
S. B. 590	129	Ins. for Deaf and Blind
S. B. 305	86	Attorney, power, acknow. death prin.
S. B. 496	76	Ed., disability det. div., merit sys.
S. B. 563	139	Deputy Sheriffs min. salary
S. B. 115	103	LEO, Guaranteed Min. Wage
S. B. 512	72	Banks, holiday closing Memorial Day
S. B. 374	29	Mobile Homes, uniform stds. act
S. B. 375	30	Ins. Comm., Negligent Acts
S. B. 376	30	Ins., Surplus line brokers
S. B. 141	28	Ins., Exam, Certain Exempt Outside st.
S. B. 370	94	Solar Energy, Tax credit
S. B. 371	95	Solar Energy, passive usage, tax credit
S. B. 562	95	Agr. Fairs Comm. per diem exp.
S. B. 134	6	Ins. Stock and Mutual, Treated Equally
S. B. 444	46	Tax Assessor and Tax Collector Fee Sch.
S. B. 325	53	Torts "Good Samaritan Act".
S. B. 140	10	Ins. False Statements, Venue Mgt. Co.
S. B. 219	93	Military, Retirement Income, exempt
S. B. 475	89	AL. Unempl. Comp. Act, Incr. ben.
S. B. 308	46	Savings & Loan Assoc. Int.
S. B. 192	3	Empl's Moving exp., inc.
S. B. 364	64	Public Warehouses
S. B. 43	2	Alabama Banking Code

S. B. 245	33	AL. Student Loan Auth.
S. B. 559	109	Barbers, Lic. by Bd. of Cosmetology
S. B. 215	31	Ins. Exam.
S. B. 373	62	Env. Serv. Dept. Surface Mining
S. B. 531	91	Fire Systems, Installers Regu.
S. B. 213	116	Firefighters, stds-ed. comm.
S. B. 554	82	Mun., class 5' Incorp. a port auth.
S. B. 365	75	LEO, prohibit strikes
S. B. 231	61	Unempl. comp. act., am'd
S. B. 446	85	Deceptive Trade Practices Act
S. B. 195	61	Unempl. Comp. Act, interest rate
H. B. 82	141	To promote Temp. by Reg. the Sacg. of Auburn Univ.

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 19; Nays 7.

Abstaining 1.

*Yeas:*

Messrs.:	Gulledge	Little	St. John
Callahan	Higginbotham	Martin	Smith
Clemon	Holmes	McDonald	Teague
deGraffenried	Keener	Parsons	Vacca
Goodwin	Kirkland	Pearson	Weeks

—19

*Nays:*

Messrs.:	Britnell	Hall	Taylor
Barron	Denton	Robertson	White

—7

*Abstaining:* Mr. Miller

—1

Mr. Robertson then offered the following substitute for the Resolution, S. R. 178, to-wit:

#### SUBSTITUTE FOR S. R. 178 NO. 2

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-sixth legislative day only:

Bill No.	Page No.	Description
S. B. 377	89	Drugs
H. B. 244	27	Civil action for inj. to person or rights of another res. from exp. to asbestos

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H. B. 815	139	Make further approp. of State Funds
S. B. 590	129	Ins. for Deaf and Blind
S. B. 305	86	Attorney, power, acknow. death prin.
S. B. 496	76	Ed., disability det. div., merit sys.
S. B. 563	139	Deputy Sheriffs min. salary
H. B. 82	141	To Promote Tem. by Reg the Sale of Alc. Bev.
S. B. 115	103	LEO, Guaranteed Min. Wage
S. B. 512	72	Banks, holiday closing Memorial Day
S. B. 374	29	Mobile Homes, uniform stds. act
S. B. 375	30	Ins. Comm., Negligent Acts
S. B. 376	30	Ins., Surplus line brokers
S. B. 141	28	Ins., Exam, Certain Exempt Outside st.
S. B. 370	94	Solar Energy, Tax credit
S. B. 371	95	Solar Energy, passive usage, tax credit
S. B. 562	95	Agr. Fairs Comm. per diem exp.
S. B. 134	6	Ins. Stock and Mutual, Treated Equally
S. B. 444	46	Tax Assessor and Tax Collector Fee Sch.
S. B. 325	53	Torts "Good Samaritan Act".
S. B. 140	10	Ins. False Statements, Venue Mgt. Co.
S. B. 219	93	Military, Retirement Income, exempt
S. B. 475	89	AL. Unempl. Comp. Act, Incr. ben.
S. B. 308	46	Savings & Loan Assoc. Int.
S. B. 192	3	Empl's Moving exp., inc.
S. B. 364	64	Public Warehouses
S. B. 43	2	Alabama Banking Code
S. B. 245	33	AL. Student Loan Auth.
S. B. 559	109	Barbers, Lic. by Bd. of Cosmetology
S. B. 215	31	Ins. Exam.
S. B. 373	62	Env. Serv. Dept. Surface Mining
S. B. 531	91	Fire Systems, Installers Regu.
S. B. 213	116	Firefighters, stds-ed. comm.

S. B. 554	82	Mun., class 5' Incorp. a port auth.
S. B. 365	75	LEO, prohibit strikes
S. B. 231	61	Unempl. comp. act., am'd
S. B. 446	85	Deceptive Trade Practices Act
S. B. 195	61	Unempl. Comp. Act, interest rate

On motion of Mr. McDonald, said substitute was laid on the table.

Yeas 20; Nays 7.

Abstaining 1.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Callahan	Gulledge	Martin	Smith
Clemon	Higginbotham	McDonald	Teague
Cook	Holmes	Pearson	Vacca
deGraffenried	Keener	Proctor	Weeks
Glass			—20

*Nays:*

Messrs.:	Britnell	Hall	Taylor
Barron	Denton	Robertson	White
			—7

*Abstaining:* Mr. Miller —1

And on motion of Mr. McDonald, the Resolution, S. R. 178, was then adopted by the Senate.

#### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	St. John
Britnell	Holmes	Martin	Smith
deGraffenried	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Vacca
Goodwin	Lemaster	Pearson	Weeks
Hall			—20

*Nays:* —0

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26th Day

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The Bill:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Holmes	Martin	St. John
Denton	Keener	McDonald	Smith
Goodwin	Kirkland	Miller	Taylor
Gulledge	Lemaster	Mitchem	Vacca
Hall	Little	Parsons	Weeks

—19

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 585. Providing clerk hire allowance for Probate Judges of Barbour County.

Also:

H. 797. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro, in Jackson County.

Also:

H. 827. Relating to Winston County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 839. Relating to Barbour County; providing for a salary supplement for the circuit judge and the district court judge.

Also:

H. 902. Relating to Lamar County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 903. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Sulligent, in Lamar County.

Also:

H. 908. Relating to Marion County; providing further for the employees of the office of the sheriff.

Also:

H. 938. Relating to Bibb County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 939. Relating to Bibb County, to provide further for taxing and collecting of certain additional court costs for district and circuit court cases, and to deposit such costs to the county general fund for jail and courtroom facilities.

Also:

H. 940. Relating to Bibb County; providing that the expense allowances of the county governing body provided for by Act No. 79-378, H. 868, 1979 Regular Session (Acts 1979, p. 600), shall be paid from the gasoline tax fund allocated to the county.

Also:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Also:

H. 942. Relating to Bibb County; providing an additional expense allowance for the secretary of the board of Equalization.

Also:

H. 943. Relating to Bibb County; providing an additional expense allowance for the county superintendent of education which shall be in lieu of the dwelling now furnished to said superintendent; and to make the expense allowance provision of this act retroactive.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.



MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 41. This Act, "The Excellence in Local Education Act," makes legislative findings and pursuant to such findings requires by October 1, 1982 local county or city governing bodies to have local tax-based funding to support local schools in an amount equivalent to ten mills of ad valorem tax in order for local systems to receive a full allocation under the minimum program law.

Also:

H. 58. To amend Section 31-2-112, Code of Alabama, 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Also:

H. 61. To amend Section 31-2-52, Code of Alabama 1975, to further define the powers of the Governor to order out the Alabama National Guard for state active duty.

Also:

H. 142. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-1—11-44-57, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-18, Code of Alabama, 1975.

Also:

H. 143. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-70—11-44-105, Code of Alabama, 1975, to fix the salaries of all Commissioners at least six months before the next general election of any commissioner and to amend § 11-44-80, Code of Alabama, 1975.

Also:

H. 320. To amend Section 36-26-17 of the Code of Alabama, 1975 relating to the manner of filling vacancies in the classified service to allow the Attorney General to appoint attorneys and legal research aides from a register without regard to the ranking of eligibles.

Also:

H. 776. To provide that any Class 5 city, according to Section 11-40-12 of the Code of Alabama 1975, as amended from time to time, may hold its city election on the second Tuesday in July 1980, and the run-off election three weeks after said second Tuesday, with the city election every three years thereafter to be held at the same appointed time, upon adoption of a resolution to such effect by the city governing body.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

CONSENT CALENDAR BILLS ON THIRD  
READING RESUMED

The Bill:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Hall	Little	Taylor
Bailey	Harrison	Miller	Teague
Britnell	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	St. John	White
Goodwin	Lemaster	Smith	

—22

Nays:

—0

## LOCAL BILLS

The Bill:

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived

from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following substitute for the Bill, H. B. 48, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 48

A BILL  
TO BE ENTITLED  
AN ACT

To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or

meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the legislative intent to compile in one act the acts, whether private, special, general or local, relating to the operation, construction, financing and maintenance of the Birmingham Civic Center and relating to the authority and powers of the Birmingham-Jefferson County Civic Center Authority and the county governing body; it is the further intent of this act: To expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; and to repeal conflicting laws.

Section 2. The words and terms defined used in this Section 2 act shall have the meanings respectively ascribed to them herein unless it is apparent from the context that a different meaning is intended. The word "county" shall mean any county to which this act applies Jefferson County. The term "county seat" shall mean the municipality wherein the county seat of the county is situated. The word "Authority" shall mean the Civic Center Authority created by this act. The word "person" shall mean and include a natural person, a corporation, a partnership, an association or any other entity. The term "next to the largest municipality" shall mean that municipality of the county which according to the last or any subsequent federal census has the largest population of any municipality in the county excluding the county seat. The word "Mayor" shall mean the Mayor or other chief executive officer of Birmingham, Alabama a municipality. The masculine shall include the feminine and neuter; and the neuter shall include the masculine and the feminine.

Section 3. Legislative findings and declared purposes of this act. The Legislature has found and determined that in any the county having a population of 500,000 or more the following conditions exist: (1) That there is a great metropolitan area extending over a substantial portion of the territory lying within the boundaries of the county; (2) that in the county there is a large number of municipalities, with the municipalities being contiguous to each other in many instances; (3) that it is to the interest of the citizens of the county that there be established at the county seat a civic center; (4) that such civic center, though located in one municipality Birmingham, Alabama, will be a great cultural asset and constitute a great civic betterment for all people of the county, which will be to the interest of all of the people of the county; and (5) that it is desirable that there be established to operate, control and manage the civic center the public corporation created by this act, vested with the powers conferred upon said corporation by this act. The Legislature declares that it is the purpose of this act to facilitate, in the manner hereinafter prescribed, the establishment, maintenance and operation of a civic center in the county and to provide for the operation and management of such civic center by the public corporation created by this act.

Section 4. There is hereby established in the county a public corporation for the purposes hereinafter specified, which corporation shall be vested with the powers conferred upon it by this act. The said public corporation is at times hereinafter referred to as "the Authority."

Subject to the conditions and qualifications hereinafter stated, the name of the said corporation shall be "Civic Center Authority of the Cities and County of \_\_\_\_\_ County" (In the blank space will be inserted the name of the County). the Birmingham-Jefferson County Civic Center Authority. The Board of Directors of the Authority may choose some name other than that above specified at any time it elects to do so; provided, however, that if the Board of Directors chooses any other name there shall be

filed for record in the office of the Probate Judge of the county a copy of the resolution of the Board of Directors stating the name adopted by the Authority, which resolution shall be followed by a certificate signed by the Chairman of the Board of Directors stating the date on which the resolution was adopted and stating that the copy of the resolution preceding said certificate is a true and correct copy of the resolution adopted by the Board of Directors. The term "Legislative Electoral College," as used in this Section, shall mean that group of legislators who shall elect appoint the elective non-ex officio members of the Board of Directors of the Authority, which group of legislators shall consist of the following: Each member of the House of Representatives of the Legislature of Alabama from that representative district in which the county is located and each member of the State Senate from that senatorial district in which the county is situated. The Senate delegation members shall jointly appoint five members and the House delegation members shall jointly appoint four members.

The affairs of the Authority shall be managed and controlled by a Board of Directors consisting of nine eleven members. One of said members shall be the mayor or chief executive officer of the largest municipality in the county Birmingham, Alabama; at least two additional of said members shall be resident citizens of the largest municipality in the county Birmingham, Alabama; one of said members shall be the President or Chairman of the governing body of the county; and none of said members shall be a member of the Legislative Electoral College. The resident citizens of Birmingham, Alabama and the remaining members shall be elected appointed in the manner hereinafter prescribed; provided, however, that if there shall be a branch court house in the County, one of the members of the Board shall be a resident of the area served by such the branch courthouse of the county. The Chairman of the Board of Directors shall be elected by said Board after all members of the Board shall have been elected and qualified as such.

Within thirty days after this act, as amended, becomes applicable to the county, the Mayor of the county seat and the President or Chairman of the governing body of the County shall address a letter, signed by them jointly in their respective official capacities, chairman of each the House and Senate legislative delegation shall send written notice to each member of the Legislative Electoral College, requesting that the Legislative Electoral College elect appoint those members of the Board of Directors of the Authority to be elected appointed by the Legislative Electoral College. As soon as practical after the members of the Legislative Electoral College receive the said letters, the Legislative Electoral College shall elect appoint seven nine members of the Board of Directors of the Authority. The chairman of each the House and Senate legislative delegation If the legislative delegation has a chairman, said chairman shall send written notice to the members of the Legislative Electoral College, other than himself themselves, notifying them of the time and place of the meeting to be held for the purpose of electing appointing the members of the Board of Directors to be selected by the Legislative Electoral said College, which time shall be not less than six days subsequent to the date on which the Chairman said chairman of the Legislative Delegation transmits said written notice to the members of the Legislative Delegation belonging to the Legislative Electoral said College. If the Legislative Delegation has no chairman, then the Senator of the senatorial district in which the County is situated shall give said written notice to the members of the legislative delegation. If there is more than one Senator from the County, then that Senator who has served the longest period in the Senate shall give the said notice, and if there is more than one Senator from the County and no Senator has seniority over the other Senator or Senators, then the oldest Senator shall give said notice. In the event one of such chairmen fails to act, notice by the other to all members of the Legislative

Electoral College shall be sufficient. The Legislative Electoral College may elect appoint the members of the Board of Directors to be elected appointed by it either at the initial meeting held for that purpose or at some later meeting; provided, however, that if the election appointments is are at a later meeting, the time and place of such later meeting shall be fixed by a majority vote of a quorum of the total membership of the Legislative Electoral College present and voting, at a meeting regularly called, or notice of the time and place of such later meeting shall be given in the manner herein prescribed for giving the notice of the initial meeting of the Legislative Electoral College. The election appointments by the Legislative Electoral College shall be by a majority vote of a quorum of the total membership of each house delegation the Senators present and voting on the respective appointments to be made by its body. The Senate delegation shall appoint five members and the House delegation shall appoint four members. a majority vote of the members of the House of Representatives present. To be elected as a member of the Board of Directors, a person must receive both the vote of a majority of the Senators present and also the vote of a majority of the House members present. Two Three members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of two years; two three members of the Board of Directors of the Authority elected appointed by the Legislative Electoral College shall serve for a term of three years; and three members of the Board of Directors of the Authority elected by the Legislative Electoral College shall serve for a term of four years, as fixed by the Legislative Electoral College, which terms shall commence from the October 1 closest to the date on which they are elected. In the event that seven nine members of the Board of Directors were not initially elected serving or the terms of office of such members are not fixed by the Legislative Electoral College, a meeting shall be called in the same manner as hereinabove provided to elect appoint from the respective bodies the required additional member or members and to fix the terms of office of all elected members.

The persons who under the terms hereof is are to give notice of meeting of the Legislative Electoral College shall notify the Mayor or chief executive officer of the largest municipality in the county Birmingham, Alabama, and the President or Chairman of the governing body of the county whom the Legislative Electoral College elected to serve on the Board of Directors of the Authority.

When the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County shall have been notified of the election of the members of the Board of Directors to be elected by the Legislative Electoral College, the said Mayor and the said President or Chairman shall by letter signed by them jointly notify the members of the Board of Directors elected by the Legislative Electoral College of the time and place of the first meeting of the Board of Directors of the Authority. The Board of Directors shall fix the time and place at which they shall meet for the purpose of electing a Chairman of the Board; and the said members shall give such notice as is deemed appropriate by them of the time and place of said meeting.

The Board of Directors shall elect a Chairman of the Board and he shall serve as Chairman until his term as a member of the Board, which he is serving at the time of his election as Chairman, expires. The Chairman shall preside at all meetings of the Board of Directors and the Chairman shall have a vote the same as any other member of the Board of Directors.

No person shall be elected appointed as a member of the Board of Directors of the Authority unless he is a qualified elector of the county. Not

more than one member of the Board of Directors elected appointed by the Legislative Electoral College or by the Directors shall hold any public office; provided that this restriction shall not apply to the first members so elected appointed.

The members of the said Board of Directors shall serve without compensation except that they shall be reimbursed for actual expenses incurred in and about the performance of their duties hereunder.

In case a directorship held by an elected appointed director becomes vacant during his term his successor shall be elected appointed in the same manner in which he was elected. The successor shall be deemed to be elected appointed for the remainder of the term during which the vacancy occurred; provided, however, that if a person is elected to any vacant directorship during the last six months of any term of such directorship, he shall be deemed elected for the remainder of such term and for the next succeeding term of such directorship. In the event the Legislative Electoral College shall fail for any reason to elect within sixty days after this Act, as amended, becomes applicable to the county, the members of the Board of Directors, which this act provides said Electoral College shall elect, then in that event the person holding such directorship shall be deemed to serve until his successor is elected appointed by the Legislative Electoral College. the two ex officio members of the Board (they being the Mayor or chief executive officer of the largest municipality in the county and the President or Chairman of the governing body of the County) and any other member or members of the Board of Directors theretofore elected shall elect such members of the Board of Directors to fill the directorship which the electoral college fails to fill. In the event a vacancy on the Board of Directors occurs which is to be filled by the Legislative Electoral College and the Legislative Electoral College fails for any reason to fill said vacancy within thirty days from the date of the occurrence of said vacancy, the remaining members of the Board of Directors shall elect a member of the Board to fill said vacancy.

Each person presently serving on the board of the Birmingham-Jefferson County Civic Center shall continue in office until his term of office expires. Upon the passage of this Act the county house delegation and the county senate delegation each shall make one appointment; thereafter the county house delegation and the county senate delegation each shall make appointments as each term of office expires until the total membership on said Legislative Electoral College is 11, with five members appointed by the senate delegation and four members appointed by the house delegation.

Section 5. The power of the said Authority shall be vested in and exercised by a majority of the members of the Board of Directors. The said Board may delegate to one or more of its members or its officers, agents and employees such duties as it may deem proper. The Board of Directors shall elect a vice chairman of said Board, who shall serve as chairman in the event of the chairman's absence. The said Board of Directors shall also elect a treasurer and a secretary. The same person may serve as secretary and treasurer. The secretary and treasurer may or may not be a member of the Board. The treasurer shall act as custodian of all the funds, from whatever sources derived, received by the Authority. The treasurer shall deposit said monies in a separate account or accounts in one or more bank or banks or trust companies which are duly qualified and doing business in the State of Alabama; provided, however, that the Authority may by resolution or by trust indenture securing the issuance of bonds then authorized, designate a fiscal agent or trustee who shall be a bank or trust company duly qualified to do business in the State of Alabama and may authorize such fiscal agent or



trustee to receive and disburse, upon such terms and conditions (and subject to such exceptions, if any) as may be specified in such resolution or trust indenture, all funds applicable to payment of said bonds.

The treasurer of the Authority shall execute a fidelity bond with a company authorized to write such bonds in the State of Alabama being surety thereon, which bond shall be in an amount approved by the Board of Directors of the Authority.

Contracts of the Authority shall be executed in the name of the Authority by the Chairman of the Board of Directors and attested by the secretary of the Authority. Except for bonds, it is not required that the seal be impressed or printed on contracts. It is further provided hereby that except for bonds, the Board of Directors may provide by resolution for a different form for the execution of contracts, and for the execution thereof by an officer or agent other than the chairman and secretary. But in no event shall a contract, irrespective of its form and of the persons executing the same, be binding unless such contract was is authorized or ratified by the Board of Directors.

The Authority shall have authority to hire an architect or architects and enter into contracts for their services in designing and supervising the construction of any building, civic center, auditorium, arena, convention hall, music hall, art museum, places of recreation, art exhibits, office buildings and other structures that it shall desire to construct.

No member of the Board of Directors shall be interested, directly or indirectly, in any contract for work, material or services, or the profits therefrom to be furnished or performed for the Authority if such member has, directly or indirectly, more than a ten percent (10%) interest in any business, firm or corporation, or profits thereof, furnishing or providing such work materials or services.

Section 6. The Authority shall be authorized to construct, maintain, control, operate and manage a Birmingham-Jefferson County Civic Center in the county seat. The said civic center shall not be established in any area in the county seat unless such area has been first approved for the establishment of the civic center by a resolution adopted by the governing body of the county and a resolution adopted by the governing body of the county seat; and after the area of the civic center has been established, as aforesaid, the area shall not be extended unless the extension thereof has been first approved by a resolution adopted by the governing body of the county and a resolution adopted by the governing body of the county seat. The Authority shall be authorized to construct, maintain, control, operate and manage all or any of the following to be situated in the civic center; buildings to provide offices to be used by the State of Alabama or by any agency, subdivision or public corporation thereof or by the county or by one or more municipalities thereof for any municipal purpose otherwise authorized by law and buildings to house or accommodate public facilities of the State of Alabama, or of any agency, subdivision or public corporation thereof or of the county or of any one or more of said municipalities for any municipal purpose otherwise authorized by law; streets, boulevards, walkways, and parks; monuments, statues and other structures beautifying the civic center; community houses or meeting houses and auditoriums; arenas, convention halls and convention sites; music halls, art museums; places of recreation; art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and of the municipalities located therein.

The Authority shall have the power: (a) To sue and be sued; (b) to acquire property and rights and interests in property by gift, lease, purchase or by the exercise of eminent domain; (c) to have a seal and alter the same at pleasure; (d) to appoint officers, agents, employees and attorneys, and to fix their compensation; (e) to make by-laws for the management and regulation of its affairs; (f) to make contracts, and to execute all instruments necessary or convenient to lease or purchase and own real or personal property to be used for the furtherance of the purposes for the accomplishment of which said Authority is created; (g) to arrange, sponsor and conduct programs and exhibits in the civic center for the advancement of the cultural, civic and scientific interests and welfare of the citizens of the county and of the municipalities thereof and for the advancement of the humanities; (h) to promote, sponsor and operate in the civic center exhibitions and recreational activities; (i) to charge fees for admission; (j) to lease or sublease to the State of Alabama or any agency, political corporation or subdivision thereof, or to the county or to any municipality of the county, or to other persons any property owned or leased by or under control of the Authority; to purchase or lease real property and rights or easements therein necessary or convenient for its corporate purposes and to use the same so long as its corporate existence shall continue; (k) to accept or receive gifts, bequests and devises; and (l) to do all things necessary or convenient to carry out the powers expressly given herein.

For the aforesaid purposes and for no other purposes the Authority shall be authorized to use and apply the proceeds of any taxes which the Legislature provides shall be payable to the Authority.

Subject to the conditions stated in the sentence next following, the county and each municipality thereof are authorized, but not required, to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties, without authorization by election of the qualified voters of the county or of the municipality; and subject to the conditions stated in the sentence next following, the county and each municipality thereof are authorized, but not required, to appropriate public funds of the county or of the municipality, as the case may be, to the Authority, to be used by the Authority for purposes hereinabove enumerated. The county shall not lease, sell, donate or convey any property to the Authority, or appropriate any money to the Authority, unless the governing body of the county has determined that such lease, sale, donation, conveyance or appropriation will benefit the people of the county to such an extent as to fully warrant and justify the lease, sale, donation, conveyance or appropriation; and no municipality shall lease, sell, donate or convey any property to the Authority or appropriate any money to the Authority unless the governing body of such municipality has determined that such lease, sale, donation, conveyance or appropriation will benefit the people of the municipality to such an extent as to fully warrant and justify the lease, sale, donation, conveyance or appropriation.

The Authority shall be authorized to invest any of its funds not needed to meet disbursements, in bonds or obligations of the United States of America or to deposit such funds in any bank or building and loan association, provided such deposit is fully insured by a federal corporation or agency of the Federal Government insuring deposits in financial institutions, or secured by a deposit of bonds or obligations of the United States of America.

This act shall not be construed to limit the right, power or authority of any municipality to operate facilities similar to the facilities provided for by

this act. Without limiting the generality of the next foregoing sentence, it is expressly provided that this act shall not in any way affect any auditorium, art museum, or other facility presently owned or hereafter acquired by any municipality, whether situated in the civic center or elsewhere.

Section 7. (a) Subject to the conditions, qualifications and restrictions set forth in subsection (b), below, of this Section 7, the Authority shall have the power to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes made payable to the Authority by any act of the Legislature heretofore or hereafter adopted and from the revenues of the Authority derived from the activities, operations and enterprises in which the Authority is hereby authorized to engage. As security for any money so borrowed, together with interest thereon, and any obligations incurred or assumed, the Authority, in its discretion, may mortgage, pledge or otherwise transfer and convey its real, personal and mixed property, or any part or parts thereof, whether then owned or thereafter acquired, including any franchises then owned or thereafter acquired and all or any part of the taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and all or any part of revenues derived from the activities, operation and enterprises in which the Authority is hereby authorized to engage. In the resolution authorizing such revenue bonds or the mortgage given to secure the payment thereof, the Authority, in addition to its other powers, shall have the power to agree with the several holders of such bonds and to make, enter into and perform covenants and agreements as to:

(1) The custody, security, use, expenditure or application of the proceeds of the bonds;

(2) The conduct, management and maintenance of the properties held by the Authority or of the activities, operations and enterprises then or thereafter conducted by the Authority;

(3) insurance of the properties of the Authority;

(4) restrictions on the exercise of the powers of the Authority to dispose, or to limit or regulate the use, of all or any part of the properties of the Authority;

(5) The payment of the principal of or interest on the bonds the rank or priority of any such bonds as to any lien or security, or the acceleration of the maturities of any such bonds;

(6) the use and disposition of any moneys of the Authority, including taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and revenues derived or to be derived from the activities, operations and enterprises of all or any part of the properties of the Authority, including any part or parts theretofore constructed or acquired and any parts, extensions, replacements or improvements thereof thereafter constructed or acquired;

(7) pledging, setting aside, depositing or trusteeing all or any part of the revenues or other moneys of the Authority to secure the payment of the principal of or interest on the bonds, or the payment of expenses of operation or maintenance of the properties of the Authority;

(8) the setting aside of the taxes payable to the Authority under any act of the Legislature heretofore or hereafter adopted and/or use of the revenues or the moneys of the Authority or reserves and sinking funds, and the source, custody, security, regulation, application and disposition thereof;

(9) the assumption or payment or discharge of any indebtedness, liens or other claims relating to any part of the properties of the Authority or any obligations constituting, or which may constitute, a lien on such properties or any part thereof;

(10) limitations on the issuance of additional bonds, notes or other evidences of indebtedness or upon the incurrence of indebtedness of the Authority;

(11) payment of costs or expenses incident to the enforcement of the bonds or of the provisions of such resolution or mortgage, of any covenant or agreement with the holders of the bonds;

(12) the procedure, if any, by which the terms of any covenant or agreement with, or duty to, the holders of the bonds may be amended or abrogated, the amount of bonds, the holders of which must consent thereto, and the manner in which such consent may be given or evidenced;

(13) the terms and conditions upon which the holders of said bonds, or any proportion of them, or any trustees therefor, shall be entitled to the appointment of a receiver by any court of competent jurisdiction, which receiver may enter and take possession of the properties of the Authority and operate and maintain the same and prescribe rates, rents, fees or charges, and collect, receive and apply all revenue arising from the operation of such properties in the same manner as the Authority itself might do; or

(14) any other matter or course of conduct which, by recital in such resolution or mortgage is declared to further secure the payment of the principal of or interest on the bonds.

All such provisions of said resolution or mortgage and of such covenants and agreements, shall constitute valid and legally binding contracts between the Authority and the several holders of the bonds, regardless of the time of issuance of such bonds, and shall be enforceable by any such holder or holders by mandamus or other appropriate action, suit, or proceeding at law or in equity in any court of competent jurisdiction. The circuit court of Alabama, or any court of competent jurisdiction, shall have authority to appoint a receiver for the properties of the Authority, upon the terms and conditions specified in the resolution authorizing the issuance of the bonds or in any mortgage securing the payment of the principal and interest thereof. Any mortgage given as security for the payment of said bonds may contain such agreements as the Authority shall deem advisable respecting the rights and duties of the parties to such instrument or for the benefit of whom such instrument is made, including the right to foreclose or to take possession without foreclosure. Revenue bonds issued under the authority of this section may be in such form and tenor, may bear such rate or rates of interest, and have such maturities and redemption privileges as the Authority shall determine.

Such bonds so issued may thereafter, from time to time, be refunded by the issuance or sale or exchange of refunding bonds at such times and in such forms and of such tenor, maturities or rate or rates of interest as may be agreed upon by the Authority and the holders of the bonds so refunded if such refunding is by exchange, and as may be determined by the Authority if such refunding is by sale of refunding bonds. Such Authority may restrict the source of payment of such bonds and the security given therefor to whatever extent the Authority shall deem advisable, but no such bonds shall purport to be effective to impose on the Authority or its funds or property, any liability in excess of or inconsistent with the liability authorized to be incurred or assumed by this act, or any liability inconsistent with or prohibited by

any provision of the Constitution of Alabama. Such borrowing may be effected by sale of such bonds at public sale in such manner and from time to time as may be determined by the Authority to be most advantageous, and the Authority may pay all expenses, premiums and commissions which the Authority may deem necessary and advantageous in connection with any such financing. All such bonds shall be regarded as negotiable instruments. All such bonds and interest payable thereon and all instruments executed as security therefor shall be exempt from all taxation under the laws of the State of Alabama. Neither the county nor any municipality of the county shall in any event be liable for any money so borrowed; and no indebtedness of the Authority shall ever be held to be an indebtedness of the county or of any municipality of the county. The bonds provided for herein shall be issued in the name of the Authority and shall be executed in such name by the chairman of the Board of Directors, attested by the secretary of the board, and thereupon shall be impressed or printed the corporate seal. Coupons attached to said bonds may be executed solely by impressing or printing thereon the facsimile signature of the chairman.

The impressing or printing of a facsimile seal of the Authority shall be sufficient; but no seal on the coupons shall be required.

(b) The power vested in the Authority to pledge taxes required by this act to be paid to the Authority or to pledge revenue of the Authority shall not be construed as undertaking or purporting to empower the Authority to pledge any tax or any revenue if such pledge is prohibited by any provision of the Constitution of Alabama. It is expressly provided, however, that the Authority shall have the power to pledge any tax paid to the Authority or revenue of the Authority, the pledge of which is authorized by the Constitution of Alabama.

Section 8. Each Civic Center The Authority heretofore or hereafter incorporated in any County having a population of more than 500,000, according to the last or any subsequent Federal census, pursuant to Act No. 547, enacted by the Legislature of Alabama at its 1965 Regular Session, approved August 20, 1965 (Acts of 1965, p. 797 et seq.) as amended, is hereby granted the power and authority, in addition to the power and authority heretofore granted by act of the Legislature or by amendment to the Constitution, to borrow money from time to time for any corporate purpose and to issue its negotiable promissory note or notes to mature not later than three years from date of issue, as evidence of its obligation to repay the money so borrowed, with interest thereon, such notes to be payable solely (i) from one or more of the sources from which bonds authorized by said Act No. 547 or by Amendment CCLXXX to the Constitution (which was proposed by Act No. 279 enacted by the Legislature of Alabama at its 1967 Regular Session) are payable and, if the note or notes shall be issued to provide funds for a purpose for which such bonds are authorized to be issued; also (ii) from the proceeds of any like promissory notes or bonds which may be issued to fund or refund such promissory notes. Any such Civic Center The Authority shall have the same power and authority with respect to such negotiable promissory notes as those which were granted to it with respect to the issuance of bonds by Section 7 of said Act No. 547 and by said Amendment CCLXXX to the Constitution; provided, however, that such promissory notes may be placed or sold at private negotiated sale without competitive bidding, and such negotiable promissory notes may be executed without the seal of such Civic Center Authority being affixed thereto.

Section 9. (a) Legislative findings and declared purposes of this act. The Legislature has found and determined that in any county having a

population of 500,000 or more the following conditions exist. (1) That there is a great metropolitan area extending over a substantial portion of the territory lying within the boundaries of the county; (2) that in the County there is a large number of municipalities, with the municipalities being contiguous to each other in many instances; (3) that it is to the interest of the citizens of the County that there be established at the county seat a civic center; (4) that such civic center, though located in one municipality, will be a great cultural asset and constitute a great civic betterment for all people of the County, which will be to the interest of all of the people of the County; (5) That it is desirable that there be established in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, a public corporation vested with the power to establish, operate, control and maintain a civic center to be situated in that municipality of the county wherein the county seat is located; (6) that it is necessary that the said corporation be provided funds to enable it to accomplish the purpose for which it is created; and (7) that it is desirable that the taxes provided or in this act be levied and paid to the said corporation to enable the said corporation to establish, operate, control and manage the civic center, as aforesaid. The Legislature declares that it is the purpose of this act to further the For the purposes of the establishment, maintenance and operation of a the civic center in the county by the said corporation by levying the taxes are hereby herein levied and providing for the payment of said taxes to the said corporation., payable to the said corporation, as set out in this section.

(b) In addition to the definitions prescribed in Section 2 of this act, the words and terms defined in this section shall have the meanings respectively ascribed to them herein unless it is apparent from the context that a different meaning is intended. The word "County" shall mean any county to which this act applies. The term "county seat" shall mean the municipality wherein the county seat of the County is situated. The term "Authority" shall mean the public corporation created by an act of the Legislature, heretofore or hereafter adopted, in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, for the purpose of establishing, maintaining and operating a civic center in the county seat of any such county. The term "Director of Revenue" shall mean that officer or employee of the county chargeable with the duty of collecting county licenses or privilege taxes, whether such officer be the Probate Judge of the county, the Director of the Department of Revenue of the county, the License Commissioner or License Inspector of the county or some other officer or employee of the county. The term "transient" shall mean a person renting a room for a period of less than thirty (30) continuous days in a hotel, motel, inn, tourist court, or in any other place or establishment in which rooms, lodgings or accommodations are furnished for a consideration. The term "tobacco products" shall mean cigarettes and smoking tobacco. The word "person" shall mean and include a natural person, a corporation, a partnership, an association or any other entity. The masculine shall include the feminine and neuter; and the neuter shall include the masculine and the feminine. The term "effective date of the taxes" means the date on which the taxes levied by this act shall become effective, or go into effect, as specified in Section 4 subsection (c) of this section of this act.

(c) The taxes levied by this act shall become effective, or go into effect, on the first day of the calendar month next following that calendar month in which there is was adopted an the act creating in every county of the State having a population of 500,000 or more, according to the last or any subsequent Federal census, a the public corporation for the purpose of establishing, maintaining and operating a the Birmingham-Jefferson County Civic Center in the county seat of said county provided, however,

that if the last mentioned act has been enacted prior to this act becoming a law, then the taxes levied by this act shall become effective, and go into effect, on the first day of that calendar month next following the calendar month in which this act becomes a law.

(d) Before the 20th day of each calendar month the Director of Revenue shall pay to the Authority all of the licenses and privilege taxes hereinafter levied by this act section received by him during the next preceding calendar month, less the amount which subsection (e) this Section 5 of this act section provides that the Director of Revenue shall retain for enforcing and administering this act and for collecting the said taxes. To reimburse the county for the expenses incurred by it in enforcing and administering this act and collecting the said taxes, the Director of Revenue shall withhold an amount equal to one per cent (1%) of all taxes received by him; and he shall pay the amount so withheld by him into the general treasury of the county not later than the 20th day of the calendar month next succeeding the calendar month in which he received the taxes from which said amount is withheld.

(e) (i) Commencing on the effective date of the taxes, (as herein specified in Section 4 of this act), in addition to all other taxes imposed by law there is hereby levied and shall be collected by the Director of Revenue, as herein provided, a privilege or license tax in the amount hereinafter prescribed against every person engaging in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, to any transients in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration. The Director of Revenue shall pay all taxes collected under this Section 6 act to the Authority within the time prescribed by Section 5 subsection (d) herein of this act less the amount thereof which said Section 5 requires the Director of Revenue is required to pay to the treasury of the county. The amount of the tax shall be equal to one per cent (1%) of the charge for such room, rooms, lodgings or accommodations, including the charge for use or rental of personal property and services furnished in such room or rooms. Commencing on the effective date of the taxes, there is also hereby levied, in addition to all other taxes now imposed by law, a privilege or license tax, in the amount hereinafter prescribed, against every person engaged in the county in the business of renting or furnishing space for accommodation of trailers. The amount of the last mentioned tax shall be equal to one per cent (1%) of the charge for such trailer space.

There are exempted from the provisions of the tax levied by this subsection Section 6 and from the computation of the amount of the tax levied or payable hereunder the following: (a) (1) Charges for property sold or services furnished which are required to be included in the tax levied by Act No. 100 of the Second Special Session of 1959 of the Legislature of Alabama (Ala. Acts 1959, page 298, et seq.) as amended, said Act being commonly referred to as the "State Sales Tax Act"; (b) (2) boarding houses, tourist homes and similar establishments regularly offering less than five (5) rooms for rental to transients; (c) (3) charges for the rental of rooms, lodgings or accommodations furnished by any hospital, nursing home, convalescent home or by any charitable or eleemosynary institution; (d) (4) Charges for the rental of rooms, lodgings or accommodations to a person for a period of thirty continuous days or more; (e) (5) charges for the renting or furnishing of space for the accommodation of a trailer to a person for a period of thirty (30) continuous days or more.

(ii) In addition to all other taxes now imposed by law, after the effective date of the taxes, and in addition to the taxes prescribed in subsection (e) (i) of

this section, every person who sells, stores or delivers any cigarettes or smoking tobacco in the county shall pay a license tax in the amount hereinafter prescribed to the Director of Revenue. The Director of Revenue shall pay all of the taxes collected by him under this Section 6 subsection to the Authority within the time prescribed by Section 5 subsection (d) herein, of this act less the amount which said Section 5 requires the Director of Revenue is required to withhold and to pay to the treasury of the county. Commencing on the effective date of the taxes there is hereby levied a license tax on the sale, storage or delivery of packages of cigarettes at the following rate or rates: two cents (\$0.02) on each package of cigarettes containing not more than twenty (20) cigarettes and two cents (\$0.02) for each additional twenty (20) cigarettes or fractional part thereof in such package sold, stored or received for the purpose of distribution or sale to any person within the county. A license tax is hereby fixed, created and levied on the sale, storage or delivery of smoking tobacco sold, stored or received for the purpose of distribution or sale to any person within the county at the following rate or rates: upon each package containing not more than  $1\frac{1}{8}$  ounces of smoking tobacco,  $\frac{1}{2}$  cent (\$0.005); each package over  $1\frac{1}{8}$  ounces and not exceeding 2 ounces,  $1\frac{1}{2}$  cents (\$0.015); and over 2 ounces and not exceeding 3 ounces,  $2\frac{1}{2}$  cents (\$0.025); and over 3 ounces and not exceeding 4 ounces,  $3\frac{1}{2}$  cents (\$0.035); and 1 cent (\$0.01) additional for each ounce or fractional part thereof over 4 ounces. When the additional license tax hereby required to be paid shall have been paid by a wholesaler or seller of cigarettes or smoking tobacco, such payment shall be sufficient, the intent being that such license tax hereby required to be paid shall be paid but once on each package of cigarettes or smoking tobacco. The tax levied by this act subsection shall be paid by the use of stamps as herein provided.

Before any cigarettes or smoking tobacco shall be sold within the limits of the county by any wholesaler or dealer, such wholesaler or dealer shall affix to each package of cigarettes or smoking tobacco a stamp or stamps obtained from the Director of Revenue of the county in the amount set forth in this Section 6, subsection, in payment of the license taxes imposed by this act; provided, however, on each package of cigarettes containing five (5) or less cigarettes, where such package is designed by the manufacturer as a sample package and is used for sampling purposes, and where such sample package containing five (5) or less cigarettes is packed in cartons by the manufacturer, there is hereby fixed, created and levied a license tax in the amount of two cents (\$0.02) for each twenty (20) cigarettes or fractional part thereof packed in the total packages contained in such carton. Such tax shall be paid by the use of stamps as herein provided; and the said stamps shall be affixed to the outside of the carton containing said cigarettes at the rate of two cents (\$.02) for each 20 cigarettes or fractional part thereof contained or packaged in such carton. The stamps affixed to the carton, in accordance with the next foregoing sentence, shall be cancelled in the same manner as other stamps are cancelled as herein provided, and the person affixing such stamps shall stamp or write on the carton the name of the dealer or wholesaler, or other person responsible for the distribution of such sample packages of cigarettes, along with the date the stamps are affixed or cancelled. It shall be unlawful for any person to sell or offer to sell, barter or offer to sell or barter, any cigarettes that were packaged by the manufacturer and intended for sampling purposes.

Every dealer shall within one hour after receipt of any cigarettes or smoking tobacco within the county, unless sooner offered for sale, cause stamps in the requisite amount of the tax to be affixed as herein provided, and shall cause the same to be cancelled by writing or stamping across the face of



each stamp a registered number furnished such dealer by the Director of Revenue of the county. After such stamping has begun, it shall be continued with reasonable diligence by such dealer until all the unstamped cigarettes or smoking tobacco have been stamped and the stamps cancelled as herein provided; but no stamps required to be affixed to any package of cigarettes or smoking tobacco shall, after the same has been affixed as herein provided, be again used in payment of any part of the tax levied by this act. Such stamps shall be affixed to each individual package of cigarettes or smoking tobacco in such manner that its removal will require continued application of water or steam; and in such a way that the stamp will be torn in two or mutilated when the package is opened. Where cigarettes or smoking tobacco become unsalable, due to deterioration, molding, burning, aging, or any other cause or causes and tobacco stamps have previously been affixed to the said tobacco product subject to the tax and such tobacco products are in the possession of the wholesale dealer and have not been sold by him, the wholesale dealer may remove the tobacco stamps intact on the tobacco products and deliver the same to the Director of Revenue together with a sworn affidavit that the tobacco products from which the tobacco stamps were removed were unsalable and have been destroyed or returned to the manufacturer. The Director of Revenue shall then deliver to the said wholesale dealer an equivalent amount or number of unused tobacco tax stamps and shall destroy the tobacco tax stamps delivered to him by the dealer for exchange.

Every person who sells or stores or receives for the purpose of sale or distribution any article containing tobacco enumerated in this act shall add the amount of the license or privilege tax levied and assessed herein to the price of the article, it being the purpose and intent of this provision that the tax levied is in fact a levy on the consumer with the person who sells or stores or receives any such article for the purpose of selling or distributing the same being constituted by this act as agent of the Director of Revenue for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the article on all price display signs, sales or delivery slips, bills and statements which advertise or indicate the price of the article. It shall be unlawful for any dealer, storer, or distributor engaged in or continuing within the county in the business for which the tax is herein required, to fail or refuse to add to the sales price and collect from the purchaser the amount due by the taxpayer on account of the tax herein provided or to refund or offer to refund all or any part of the amount collected, or to absorb or advertise directly or indirectly the absorption of the tax or any portion thereof.

The governing body of the county is hereby authorized and directed to have prepared and purchased stamps suitable for denoting the tax on all cigarettes or smoking tobacco subject to this act. The stamps shall be delivered to the Director of Revenue of the county who shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes or smoking tobacco subject to the tax herein levied. Anything to the contrary hereinabove notwithstanding, the governing body of the county is hereby authorized to purchase and use stamps for the collection of the taxes hereby imposed, which will enable the Director of Revenue to collect not only the taxes levied by this act on tobacco products but also taxes on tobacco products payable to the county and levied by any other act of the Legislature heretofore or hereafter adopted. In the event the governing body of the county elects to provide for the use of one form of stamp to effect the collection of any tax on tobacco products payable to the county in addition to the tax levied by this act, the governing body of the county shall have the authority to determine the words to be inscribed on the said stamps evidencing payment of all taxes

payable to the county on tobacco products. Said stamps may be sold to the wholesale dealer by the Director of Revenue at the reduced price of ninety per cent of the full amount thereof, the reduced price from the full amount constituting compensation to the wholesale dealer for the labor of affixing them to the said tobacco products. Every person except such wholesale dealer must pay the full amount of the tax represented by said stamps purchased by him.

Every wholesale dealer at the time of selling and/or delivering any cigarette or smoking tobacco into the county shall make a true duplicate invoice of the same which shall show full and complete details of the sale and/or delivery of such tobacco products and shall also show the name and address of the purchaser thereof, and such wholesale dealer shall retain the same subject to the use and inspection of the Director of Revenue or his duly authorized deputy for a period of three years. Such wholesale dealer shall at the time of selling and/or delivering such tobacco products into any county not subject to the provisions of this act make a true duplicate invoice of the same, which invoice shall show such sales of tobacco products in the county not subject to the provisions of this act but shall not include or be required to include sales of other articles or sales of tobacco products into any county subject to the provisions of this act. Such invoices shall show full and complete details of the sale and/or delivery of such tobacco products into any county not subject to the provisions of this act, including the name or names and addresses of the purchasers, and said wholesale dealer shall retain the same subject to the use and inspection of the Director of Revenue or his duly authorized deputy for a period of three years. Wholesale and retail dealers shall also keep a record of the purchase, sale, exchange, and/or receipt of all the aforesaid tobacco products and hold all books, records, cancelled checks and all other memoranda pertaining to such purchase, sale, exchange, and/or receipt for the period mentioned herein subject to the inspection of the Director of Revenue or his duly authorized deputy, who shall have the power and authority to enter upon the premises of any dealer and to examine such cigarettes or smoking tobacco, books, records and memoranda at all reasonable times. Any person who purchases and/or receives, in any manner whatsoever, any cigarettes or smoking tobacco which do not have affixed a stamp required by this act shall within three (3) days after receipt of such cigarettes or smoking tobacco report the receipt and purchase of same to the Director of Revenue, giving the date of purchase or receipt, the name of the person or firm from whom purchased or received, and a list describing the brand and quantity of cigarettes or smoking tobacco so purchased or received. Such report must be made by registered mail or in person. It shall be unlawful for any person to interfere or obstruct the Director of Revenue or his authorized deputy. The Director of Revenue or his authorized deputy shall have authority to seize any and all packages of cigarettes or smoking tobacco not properly stamped as provided for by this act, provided that this provision shall not apply to cigarettes or smoking tobacco in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment into any county not subject to the provisions of this act. After such seizure, the Director of Revenue shall commence condemnation proceedings by filing a bill in equity in the circuit court of the county, praying that the cigarettes or smoking tobacco not properly stamped as provided for by this act be forfeited and sold. Any person in whose possession said cigarettes or smoking tobacco have been found or who shall claim to own the same, or any interest therein, shall be made a party defendant to said bill, and thereupon such matter shall proceed and be determined in equity in the circuit court of the county. If the cigarettes or smoking tobacco are condemned and forfeited as being in violation of this act, the court shall direct in its decree that said cigarettes or

smoking tobacco shall be delivered to the purchasing agent of the county to be sold by said purchasing agent at public outcry to the highest bidder for cash, after three (3) days' notice of such sale by posting a notice on any bulletin board located within the courthouse of any division of the county where said cigarettes or smoking tobacco were received. The purchasing agent shall pay the proceeds of such sale to the Director of Revenue who shall distribute such proceeds in the same manner as he distributes taxes paid to him under this act. From any decree and judgment of the circuit court, in equity, condemning any such cigarettes or smoking tobacco, any party or parties aggrieved thereby may appeal to the Court of Appeals of Alabama, within fifteen (15) days from the date of such decree or judgment, upon giving security for the cost of such appeal. From any judgment or decree of the circuit court, in equity, denying the condemnation and seizure of any such cigarettes or smoking tobacco, the Director of Revenue of the county may likewise appeal within fifteen (15) days without giving any bond. When any person or the Director of Revenue appeals the tobacco products involved shall remain in the custody of the Director of Revenue until a final determination of the cause on appeal. Upon any decree of condemnation and seizure, the court shall direct that the cost of the proceedings be paid by the person in whose possession said tobacco products were found, or by any person or parties who claim to own the same, or any interest therein, and who contests its condemnation and seizure.

Among others the following acts and omissions shall be unlawful: (1) It shall be unlawful for any person required by this act to affix stamps to cigarettes or smoking tobacco to fail to affix such stamps or to cancel stamps in the manner or within the time required by this act. (2) It shall be unlawful for any person to sell, offer for sale or deliver within the county any cigarettes or smoking tobacco to which stamps have not been affixed and cancelled as provided by this act. (3) It shall be unlawful for any person to have in his possession or under his control a package of cigarettes or smoking tobacco not properly stamped as required by this act for more than six hours after receipt of such cigarettes or smoking tobacco on the premises of such person, provided that this act shall not apply to cigarettes or smoking tobacco in the possession of wholesale dealers or jobbers kept for the purpose of resale or reshipment outside a county subject to the provisions of this act and which products are actually so resold or reshipped. (4) It shall be unlawful to manufacture, buy, sell, offer for sale, or possess, or to attempt any reproduction or counterfeit of the stamps provided for in this act or to possess tools, implements, instruments, or materials of any kind necessary or appropriate to reproduce or counterfeit such stamps or to alter or cause to be altered any stamp herein provided for. (5) It shall be unlawful to remove from a package of cigarettes or smoking tobacco or otherwise prepare any stamp with intent to use or cause the same to be used after it has already been used; to buy, sell, or offer for sale, or give away any washed, removed, altered, or restored stamp to any person or to have in possession any such washed, or removed, or restored, or altered stamp or for the purpose of indicating the payment of any tax hereunder, to re-use any tax stamp which has heretofore been used for the payment of any tax provided in this act, or, except as to the Director of Revenue, to sell any stamp provided for herein. (6) It shall be unlawful to re-use or refill with cigarettes or smoking tobacco any package from which cigarettes or smoking tobacco theretofore tax paid have been removed. (7) It shall be unlawful for any person to fail to pay any tax levied by this act within the time specified for the payment of the same by the act.

(iii) Any person violating any of the provisions of this act, or doing any act made unlawful by the terms of the act, shall upon conviction be punished by fine of not more than five hundred dollars (\$500) and may also be

sentenced to hard labor for the county by not exceeding six (6) months, either or both, unless a different punishment is prescribed herein.

Upon a person being convicted the second time of a violation of this act he shall be fined not less than One Hundred Dollars (\$100) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the business of renting or furnishing any room or rooms, lodging or accommodations to any transient in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings or accommodations are regularly furnished to transients for a consideration, or to engage in the tobacco business, as the case may be, may be suspended by the Court for thirty (30) days. Upon a person being convicted the third time of a violation of this act he shall be fined not less than Two Hundred Dollars (\$200) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the tobacco business may be suspended by the Court for sixty (60) days. Upon a person's fourth or any subsequent conviction of a violation of this act he shall be fined not less than Five Hundred Dollars (\$500) and may be sentenced to hard labor for the county for not exceeding six (6) months, either or both, and his license to engage in the tobacco business shall be revoked by the Court.

(f) The taxes levied by this act Section 6, except as otherwise provided herein, shall be due and payable on or before the 20th day of the month next succeeding the month in which the tax accrues. On or before the 20th day of each month after the effective date of the taxes every person on whom the tax is levied by this Section 6 and imposed shall render to the Director of Revenue on a form prescribed by him, a true and correct statement showing the gross proceeds of the business subject to the said tax for the then preceding month, together with such other information as the Director of Revenue may demand and require; and at the time of making such monthly report the taxpayer shall compute and pay to the Director of Revenue the amount of taxes shown to be due; provided, however, that any person subject to the tax who conducts any business on a credit basis may defer reporting and paying the tax until after said person has received payment for the items, articles or accommodations furnished; and in the event he so defers reporting and paying any such taxes he shall thereafter include in each monthly report all credit collections made during the then preceding month and shall pay the amount of taxes computed thereon at the time of filing such report.

(g) It shall be the duty of every person engaged or continuing in any business subject to the taxes levied by this Section 6 act to keep and preserve suitable records of the gross proceeds of such business and such other books or accounts as may be necessary to determine the amount of tax for which he is liable under the provisions of this act. Such records shall be kept and preserved for a period of five (5) years and shall be open for examination at any time by the Director of Revenue or by any duly authorized agent, deputy or employee of the said Director.

(h) Any person who fails to pay the tax levied by this Section 6 act within the time required by this act shall pay in addition to the tax a penalty of ten per cent (10%) of the amount of tax due, together with interest thereon at the rate of one-half of one per cent ( $\frac{1}{2}$  of 1%) per month or fraction thereof from the date on which the tax became due and payable, such penalty and interest to be assessed and collected as a part of the tax; provided, however, that the Director of Revenue may, if good and sufficient reason be shown, waive or remit the penalty or any portion thereof.

(i) None of the provisions of this act section shall be applied in such manner as to violate the commerce clause or other clauses of the Federal Constitution or any clause of the Constitution of Alabama. Should any provision of this act be held invalid, the invalidity thereof shall not affect the remaining provisions of the act.

Section 10. (a) (1) Definitions. In addition to the definitions prescribed in Sections 2 and 9(b) of this act, as used herein the following words and terms have the meanings hereby ascribed to them. "ABC law" means Chapter 13, Title 29 28, Code of Alabama of 1940 1975, as amended, which establishes and governs the alcoholic beverage control board; "the Board" means the alcoholic beverage control board; "Authority" means a civic center authority heretofore or hereafter established by and under Act No. 547 of the Regular Session of the Legislature of Alabama of 1965, approved August 20, 1965 (Ala. Acts 1965, pages 797, et seq.) (Appendix, Sections 1049(78) to 1049(84), and any board or commission created by ordinance by any municipality within the state Jefferson County for the purpose of operating a the civic center; "the Civic Center" means the civic center established by the authority under Section 6 of said Act No. 547 (Appendix, Section 1049(83), and also, any civic center operated by a board or commission created by ordinance by any municipal corporation within the state for the purpose of operating a civic center; "restaurant liquor license" means the restaurant license for which the ABC law provides; "Civic Center liquor license" means the license which the act provides for issuance to an the authority. Any word or term used herein which is defined in the ABC law shall have the same meaning as that law ascribes to said word or term.

(b) The Board shall be authorized to issue a civic center liquor license to any authority operating a civic center located in a city the Board of Directors of the Authority where a "restaurant" or "club" liquor license is otherwise authorized by law, which license shall entitle the Authority to purchase liquor from an Alabama liquor store and, subject to the provisions of the ABC law and the regulations made thereunder, not in conflict with the ABC law or with this Act, to keep and sell in any part of its Civic Center for consumption therein any such liquor and also any malt or brewed beverages or vinous beverages the holder of a restaurant liquor license is entitled to keep and sell.

(c) When any license is issued pursuant to this act to an authority created by municipal ordinance, the City Council or like governing body of the City of Birmingham wherein a civic center is located shall have the authority and the duty to fix reasonable rules and regulations for the sale of alcoholic beverages in such the civic center, including rules and regulations as to times and places wherein alcoholic beverages may be sold within such the civic center, and the types of meetings and functions at which the same may be sold.

(d) Except as amended by this Act, the laws of the State and the regulations of the Board shall apply to any Authority in its operations under a Civic Center liquor license.

Section 11. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 12. All laws and parts of laws, whether general, special or local, in conflict with the provisions of this act are hereby repealed to the

extent of such conflict; provided, however, it is not intended by the provisions of this section to repeal or affect in any way the privilege or license tax levied by Act No. 248, Acts of Alabama 1955, Volume 1, page 586, as amended by Act No. 269, Acts of Alabama 1963, Volume 2, page 715, but to construe the provisions thereof except as herein provided. It is specifically intended that all constitutional provisions relating to the Birmingham-Jefferson County Civic Center shall remain in force and effect.

Section 13. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Barron	Glass	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Lemaster	Proctor	White	
Denton	Little			—25

*Nays:* —0

And said Bill, H. B. 48, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Barron	Glass	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Clemon	Keener	Pearson	Weeks	
Cook	Lemaster	Proctor	White	
Denton	Little			—25

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

Also:

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

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26th Day

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Also:

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

POINT OF PERSONAL PRIVILEGE

Mr. Harrison requested that the Journal show that had he been present in the Chamber when the vote was taken on the Robertson substitutes for the Resolution, S. R. 178, he would have voted "Nay" to table.

INTRODUCTION OF BILLS

Upon a call of districts, bills were introduced, severally read one time and referred to appropriate standing committees, as follows:

By Mr. Little (with notice and proof):

S. 606. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 606, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (with notice and proof):

S. 607. To provide an expense allowance for certain city employees of Attalla.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 607, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (with notice and proof):

S. 608. To provide the members of the Etowah County board of registrars with an additional per diem supplement.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 608, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (with notice and proof):

S. 609. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Etowah County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 609, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Callahan (with notice and proof):

S. 610. To amend Section 1 of Act No. 710, H. 1102 (1976 Regular Session) (Acts 1976 p. 990) an act providing for the minimum compensation for all Deputy Sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 610, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Little (with notice and proof):

S. 611. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 611, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Little (with notice and proof):

S. 612. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 612, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Little (with notice and proof):

S. 613. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 613, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.



By Mr. Holmes (with notice and proof):

S. 614. Relating to Calhoun and Talladega Counties; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford in said counties.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 614, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Proctor (with notice and proof):

S. 615. Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 615, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Hall (with notice and proof):

S. 616. Relating to Jefferson County; prohibiting any public water supply system in the county from charging customers in one municipality or in any unincorporated area within the county at a higher rate than customers in any other municipality or unincorporated area within the county; and to prescribe penalties for violations.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 616, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Keener (with notice and proof):

S. 617. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 617, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Harrison (with notice and proof):

S. 618. To amend Section 1 of Act No. 388, H. 979, 1978 Regular Session, entitled "An Act Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds, so as to increase the salaries of the deputies of the sheriff's department."

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 618, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Weeks:

S. 619. To further amend Section 9-16-34(23) of the Code of Alabama 1975, as amended, to provide for the continued enforcement of the interim regulations promulgated under Section 502 of the federal Surface Mining Control and Reclamation Act of 1977 (Pub.L. 95-87).

Committee on Rules.

By Messrs. White, Pearson, Little, Taylor, Barron, Callahan, Smith, Parsons and Keener:

S. 620. To exempt the Legislative Wives and Husbands Club from the payment of all state, county and municipal sales and use taxes.

Committee on Rules.

By Mr. Denton (with notice and proof):

S. 621. Relating to Colbert County; to provide for the establishment of fees by the county commission based upon, but not bound by recommendations of the county board of health for public health services.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 621, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 622. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide that nothing herein contained shall amend, alter or rearrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owned by the Shelby County Board of Education.

Committee on Rules.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 622, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 623. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

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I hereby certify that the Notice & Proof is attached to the Bill, S. B. 623, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 624. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 624, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Cook (with notice and proof):

S. 625. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 625, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. Parsons (with notice and proof):

S. 626. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

Committee on Local Legislation No. 2.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 626, as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,  
Secretary.

By Mr. White:

S. 627. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

Committee on Rules.

SPECIAL ORDER  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

Mr. Harrison moved that further consideration of the Bill, H. B. 82, be postponed until the Twenty-Eighth Legislative Day.

On motion of Mr. Callahan, the motion to postpone was laid on the table.

Yeas 16; Nays 10.

Abstaining 1.

Yeas:

Messrs.:	Figures	Keener	Pearson	
Callahan	Goodwin	Little	Teague	
Clemon	Gulledge	Martin	Vacca	
Cook	Holmes	McDonald	White	
deGraffenried				—16

Vays:

Messrs.:	Denton	Lemaster	St. John	
Barron	Hall	Mitchem	Taylor	
Britnell	Harrison	Robertson		—10
Abstaining:	Mr. Miller			—1

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 49. To require any public water works board in a Class 1 municipality in the state to pay 6½% interest per annum on all customer security deposits required for services.

Also:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Also:

H. 193. Relating to Mobile County; providing for an additional expense allowance for the tax collector.

Also:

H. 236. Relating to Mobile County; providing for the position of supernumerary county treasurer; and providing for the duties, qualifications, and compensation of any such officer.

Also:

H. 409. Relating to Mobile County; providing for the compensation and payment of an expense allowance of the members of the county governing body.

Also:

H. 525. Relating to Mobile County; to provide further for notice to delinquent taxpayers by the tax collector prior to sale for taxes.

Also:

H. 527. Relating to Mobile County; to increase the raccoon limit during hunting season from two to five raccoons per day.

Also:

H. 684. Relating to Mobile County: To amend Act 57, H. 438, p. 310, Acts of Alabama of 1971 authorizing the Board of Health of said County to fix a schedule of fees for services rendered pursuant to the duties with which the Board is charged; to provide for the approval of such fee schedule by the County Commission of Mobile County, Alabama and the automatic increase of such fees.

Also:

H. 722. To amend Act No. 248, S. 279, 1947 Regular Session (Local Acts 1947, p. 172) authorizing and providing for the establishment, maintenance, operation and financing of a public law library in Mobile County, so as to provide for the taxing and collecting of library fees in Mobile County for the operation of such law library.

Also:

H. 801. Relating to Marshall County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 831. Relating to Mobile County; to provide for additional expense allowances for the chairman and members of the Board of Equalization.

Also:

H. 832. Relating to Mobile County; to provide that a person will be subject to arrest and prosecution for theft if he picks up a dog wearing a collar and tag which identifies the owner and the person fails to return the dog or notify the owner of his possession of the dog.

Also:

H. 848. To alter or rearrange the boundary lines of the Town of Douglas, Marshall County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits and also certain other territory contiguous thereto, in Marshall County, Alabama.

Also:

H. 857. Relating to Mobile County; providing for the compensation of the county treasurer.

Also:

H. 875. To amend Section 16 (a) (b) (1) (2) (3) (c) (d) and add Section 30, of Act No. 243, H. 278, first special session, 1964, as amended, which establishes the Pension and Relief System for policemen and firemen of the city of Mobile, by adjusting the pension benefits to be received by the surviving spouse of certain members of the police and fire departments of the city of Mobile and by providing a refund of contribution made by any member of said departments in the event of said member's death prior to said member's spouse becoming eligible for a survivor's benefit, and providing for a refund of contributions made by any member whose employment with said department

is terminated prior to death; and to provide that any city employee who is transferred to the police or fire departments upon compliance with certain requirements will be given credit for all years of service with the city of Mobile on the pension roll of the Policemen and Firemen Pension and Relief Fund.

Also:

H. 890. Relating to the use of computer technology and equipment to enter, alphabetize, store, maintain, transmit electronically and generally prepare the various index records of the Probate Court of Mobile County as an alternative to the card or strip indexing system authorized by Act 460, 1957 Regular Session of the Alabama Legislature.

Also:

H. 894. Relating to Dale County; to provide for an additional expense allowance for the members of the board of equalization, board of registrars and the jury commission of said county and to provide for the number of days that the jury commission shall be in session.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 917. To provide that an idle speed zone for boats be established on a portion of Halls Mill Creek in Mobile County.

Also:

H. 953. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Also:

H. 954. Relating to Marengo County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 955. Relating to Marengo County; providing for an expense allowance for members of the Board of Education and repealing Act No. 212, H. 591, 1957 Regular Session, (Acts 1957, p. 269).

Also:

H. 956. Relating to Marengo County; providing further for the expense allowance and mileage for the chairman and members of the county

board of equalization; providing such payments shall be payable from state and local funds as provided by law; and giving the provisions of the Act retroactive effect.

Also:

H. 957. To repeal Act No. 355, H. 896 of the 1969 Special Session (Acts 1969, Vol. I, p. 728), entitled, "An Act To apply only in counties having populations of not less than 27,000 nor more than 30,000; providing expense allowances for members of the county board of equalization payable from the general funds of the county; and giving the act retroactive effect."

Also:

H. 966. Relating to Fayette County; giving the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individuals or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

H. 972. Relating to Lawrence County; to allow the use of dogs and/or buck shot in shotguns in deer hunting outside of wildlife management hunting areas.

Also:

H. 973. Relating to Lawrence County; to abolish the office of license inspector; to place the powers, duties and functions of said office in the county commission of said county; to provide for the disposition of fees accruing from the performance of the duties of license inspectors; and to provide for the employees to carry out this act.

Also:

H. 974. Relating to Lawrence County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 975. Relating to Lawrence County; to authorize the county commission to hire an appraiser to conduct ad valorem tax appraisal work on behalf of the tax assessor's office; and to authorize the expenditure of funds to carry out the provisions of this act.

Also:

H. 981. Relating to Cherokee County; providing salaries for the Chairman and associate members of the Cherokee County Commission; providing for travel allowance for out of County travel for all members of the County governing body; and repealing Act No. 523 and Act No. 664 of the 1976 Regular Session.

Also:

H. 982. Relating to Cherokee County; to provide further for the expense allowance and compensation of certain county officers.

Also:

H. 983. To alter or rearrange the boundary lines of the Town of Creola, Mobile County, Alabama, so as to include within the corporate limits of said Town all territory now within such corporate limits and also certain other territory contiguous thereto, in Mobile County, Alabama.

Also:

H. 991. To set a penalty of a one thousand dollar fine and a six month term in jail for any person convicted of unlawfully possessing a firearm in Mobile County.

Also:

H. 997. To apply to Mobile County and require only gas utility boards organized and incorporated by a municipality to pay interest on deposits paid by customers situated within the territory served by such gas district.

Also:

H. 999. Relating to Cherokee County; to provide an expense allowance for the coroner, and to provide that such allowance shall convert to a salary increase beginning with the next term of office of the coroner.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 41. NAMING THE NATIONAL GUARD ARMORY AT TUSKEGEE, ALABAMA, "FORT BENJAMIN O. DAVIS."

Also:

S. J. R. 158. REQUESTING PRESIDENT CARTER AND THE CONGRESS TO ALLOCATE TO EACH OF THE STATE HIGHWAY DEPARTMENTS, AND TO OUR STATES' COUNTIES, FOR MAINTENANCE OF STATE AND LOCAL ROADS, ANY INCREASE OF THE FEDERAL MOTOR FUELS TAX.

Also:

S. J. R. 167. COMMENDING MRS. CHARLA ADKISON, OUTSTANDING SCIENCE TEACHER OF THE YEAR.

JOHN W. PEMBERTON,  
Clerk.



MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 177. A RESOLUTION COMMENDING BRAVE MEN.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Pegues (with notice and proof):

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1040, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Rep. Pegues (with notice and proof):

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1041, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Pegues (with notice and proof):

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1042, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1021. Relating to Macon County; providing an annual expense allowance for the judge of the district court; and giving this act retroactive effect to October 1, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1021, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1022. Relating to Macon County; providing for an additional expense allowance for the members of the board of registrars of said county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1022, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1024. Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1024, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1025. Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1025, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1040, 1041, 1042, 1021, 1022, 1024 and 1025. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Langford, Grouby, Wyatt, Holmes, McKee and Dixon (with notice and proof):

H. 1055. Relating to Montgomery County; providing for the assessment and collection of ad valorem taxes on motor vehicles, transferring certain duties and responsibilities of the tax assessor and tax collector to the probate judge requiring an additional bond of the probate judge; providing for the deposit of fees and commissions in the general fund of the county; providing that the cost of the operation of the office of probate judge due to assessment and collection of said ad valorem taxes shall be borne in part by the City of Montgomery; and defining terms.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1055, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

H. 1068. To amend Sections 3.02, 3.05, 3.12, 3.15 and 4.04 of Act 618, H. 796, 1973 Regular Session of the Legislature (Acts 1973, p. 879), relating to the Mayor-Council form of government in cities with a population of not less than 70,000 nor more than 135,000 inhabitants according to the 1970 or any subsequent federal decennial census, so as to provide for the Council of certain cities to set per diem allowances, salaries, or expense allowances (with certain limitations), to require persons seeking council seats to pay a qualifying fee of \$100 or submit a petition of 200 signatures of registered voters, to allow the Council to set its meeting days, and to fix the salary of the Mayor (with certain limitations).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1068, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Wyatt (with notice and proof):

H. 1069. To amend certain sections of Act No. 618, H. 796, 1973 Regular Session (Acts 1973, p. 879), entitled "An Act To provide a form of municipal government to be known as the mayor-council form of government, which may be adopted by any city in the State of Alabama having a population of not less than 70,000 nor more than 135,000 according to the last or any succeeding federal or municipal census; to provide the method by which any such city may adopt the mayor-council form of government; to provide for the calling and holding of elections to vote thereon; to define and provide the legal status, form of government and powers of any such city under the mayor-council form of government; to provide as the governing body of such city a city council; to provide for the number of members of the council, their election and terms of office; to provide the functions, duties, powers and authority of the city council; to provide for the election, appointment or designation of officers and employees of the city and for their qualifications, duties,

functions, powers and authority; to provide for the election, term, qualifications and compensation of a mayor and for the filling of vacancies in the office of mayor and to provide the duties and authority of the mayor; to provide for the control of the finances of such city; to provide for an annual budget, its preparation, submission, and adoption and the effect thereof; to create and define the powers, functions, duties and authority of the department of finance and the director of the department of finance; to regulate purchases and contracts of such city; to provide for the terms and effects of succession in government of any city adopting the mayor-council form of government; to make various other provisions for any such city which adopts the mayor-council form of government and for the government thereof; and to provide for the means of abandoning the mayor-council form of government and the adoption by the city of other forms of municipal government in lieu thereof," so as to provide further for said form of government.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1069, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cobb (with notice and proof):

H. 906. Relating to Marion County; to amend Act No. 80-126, H. B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 906, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

By Reps. Roberts, Patton, Letson and Cooley (with notice and proof):

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1049, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Gilner (with notice and proof):

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1051, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

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Also:

By Rep. Gilmer (with notice and proof):

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1052, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Penry and McMillan (with notice and proof):

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1059, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. McMillan and Penry (with notice and proof):

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1060, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. McMillan and Penry (with notice and proof):

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1061, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1055, 1068, 1069, 906, 1049, 1051, 1052, 1059, 1060 and 1061. To the Committee on Local Legislation No. 1.

## FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Daniels (with notice and proof):

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1046, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Bowling and Brakefield (with notice and proof):

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1048, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Blake (with notice and proof):

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1057, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

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Also:

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1058, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1071, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1072, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Warren and McCorquodale (with notice and proof):

H. 1073. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437) entitled "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1073, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Warren and McCorquodale (with notice and proof):

H. 1074. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435) entitled "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to

provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1074, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Minus and Manley (with notice and proof):

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1078, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (J) (with notice and proof):

H. 872. Relating to Madison County, Alabama; to provide arrest powers for personnel of the Madison County Work Release and Pre-Trial Release Commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 872, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1046, 1048, 1057, 1058, 1071, 1072, 1073, 1074, 1078 and 872. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Clark (G) (with notice and proof):

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.



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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1082, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all county and municipal sales and use taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1090, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all county and municipal sales and use taxes.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1091, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1023. Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1023, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Letson and Whatley:

H. 762. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally recognized in the present day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1082, 1090, 1091 and 1023. To the Committee on Local Legislation No. 1.

H. B. 762. To the Committee on Agriculture, Conservation and Forestry.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Harvey (with notice and proof):

H. 971. To authorize the Blount County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; and to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 971, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 1012. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1012, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1038, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 1047. Relating to Chilton County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1047, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Stout and Rains (with notice and proof):

H. 1050. To repeal Act No. 79-346, H. B. 301, 1979 Regular Session of the Alabama Legislature, entitled, "An Act Relating to selling and redeeming lands for taxes in DeKalb County, Alabama."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1050, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Owens, Mitchell, Barton, Howard, Clark (G) and Johnson (Roy) (with notice and proof):

H. 944. To alter the boundary line between Bibb and Tuscaloosa County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 944, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Minus (with notice and proof):

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1039, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1043, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Coburn and Goodwin (with notice and proof):

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1044, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 971, 1012, 1038, 1047, 1050, 944, 1039, 1043 and 1044. To the Committee on Local Legislation No. 1.

#### FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. McMillan and Penry (with notice and proof):

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1062, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

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Also:

By Reps. McMillan and Penry (with notice and proof):

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in the county; providing for the collection and enforcement of the tax, appropriating the proceeds therefrom and prescribing penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1063, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. McMillan and Penry (with notice and proof):

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1065, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Johnson (Roy), Howard, Barton, Owens, and Clark (G) (with notice and proof):

H. 1075. Relating to Tuscaloosa County; to provide an expense allowance to certain County and Judicial Officers, and supplemental salary increase to certain County employees in said County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1075, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1089. Relating to Bullock County; providing further for an expense allowance for the county commissioners.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1089, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. McKee (with notice and proof):

H. 1056. Relating to Montgomery County; to provide further for the compensation of the judge of probate.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1056, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1062, 1063, 1065, 1075, 1089 and 1056. To the Committee on Local Legislation No. 1.

#### FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82.

Mr. Barron offered the following amendment to the Bill, H. B. 82, to-wit:

#### AMENDMENT TO HOUSE BILL 82

Amend House Bill 82 as follows:

Page 1, by deleting the following on Page 1, Lines 30 and 31: "to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection."

Page 11, by changing the figures "\$.47" on Line 12 to "\$.94".

By changing the figures "\$1.78" on Line 13 to "\$3.56".

Page 12, by changing the figures "\$.40" on Line 6 to "\$.80".

By changing the figures "\$1.51" on Line 6 to "\$3.02".

By changing the figures "\$.07" on Line 12 to "\$.14".

By changing the figures "\$.27" on Line 12 to "\$.54".

By changing the figures "\$.40" on Line 16 to "\$.80".

By changing the figures "\$1.51" on Line 17 to "\$3.02".

By changing the figures "\$.07" on Line 18 to "\$.14".

By changing the figures "\$.27" on Line 18 to "\$.54".

By changing the words and figures "forty cents (\$.40)" on Line 30 to "eighty cents (\$.80)".

By changing the words and figures "one dollar fifty-one cents (\$1.51)" on Lines 30 and 31 to "three dollars two cents (\$3.02)".

Page 13, by changing the words and figures "seven cents (\$.07)" on Line 7 to "fourteen cents (\$.14)".

By changing the words and figures "twenty-seven cents (\$.27)" on Line 7 to "fifty-four cents (\$.54)".

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Seibels (with notice and proof):

H. 520. Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become effective in the county unless the voters thereof approve the constitutional amendment; and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authorize bingo within Jefferson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 520, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 520. To the Committee on Local Legislation No. 2.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 116. To provide further for the disposition of surplus state property; to provide that such property shall be screened by the Forestry Commission for use by volunteer fire departments; to provide for the transfer or loan of such property for fire protection purposes; and to provide penalties for violations.

Also:

H. 144. To authorize the Board of Commissioners in municipalities organized under the provisions of §§ 11-44-120—11-44-140, Code of Alabama, 1975, to fix the salaries of all commissioners at least six months before the next election of any commissioner and to amend § 11-44-129, Code of Alabama, 1975.

Also:

H. 235. To amend Sections 4 and 6 of Act No. 79-441, H. 203, Regular Session 1979, which provides for the Historical Preservation Authorities Act of 1979, so as to further provide for the election and terms of the members of

the Board of Directors; to provide for notice to the governing body relative to appointments of directors, and to provide for notice to certain governing bodies of the applicants for formation of a public corporation authority for historical preservation, in an area comprising two or more counties.

Also:

H. 265. To repeal Section 11-51-99, Code of Alabama, 1975, which limits the amount of license a municipality may levy on vending and weighing machines.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

Also:

H. 267. To amend Section 9-11-156 of the Code of Alabama 1975 which sets the penalty for conviction for violating the laws or rules and regulations governing commercial fishing in public impounded waters and navigable streams of this state, so as to increase said penalty.

Also:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.



MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Whatley:

H. 1079. To amend Section 2-21-24, Code of Alabama 1975, which relates to inspection fees, reports and cancellation of licenses concerning commercial feeds so as to raise the amount required to be paid to the Agricultural Fund of the Department of Agriculture and Industries for inspection fees.

Also:

By Rep. Minus (with notice and proof):

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1087, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 1079. To the Committee on Agriculture, Conservation and Forestry.

H. B. 1087. To the Committee on Local Legislation No. 1.

FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82. The question was on the amendment offered by Mr. Barron.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Shoemaker and Kelley:

H. 306. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 306. To the Committee on Business and Labor Relations.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Campbell, Kelley and Shoemaker:

H. 305. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$750.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

Also:

By Rep. Naramore:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 305 and 904. To the Committee on Finance and Taxation.

MESSAGE FROM THE GOVERNOR

To The Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 511 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,  
Legal Advisor.

Done this 29th day of April, 1980.

To The Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 511 without my signature and approval and with the following suggested Executive Amendment.

On Page 3, Section 5, Line 34, following the word "public", delete the words "in this state" and substitute in lieu thereof the words "within its jurisdiction".

The adoption of the above and foregoing suggested Executive Amendment will remove by objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. Gullett, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

*Vays:* —0

Which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 511, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	Smith	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Gulledge	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

*Nays:* —0

Which was a majority of the whole number elected to the Senate.

### RESOLUTION

Messrs. Proctor, Kirkland and Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 179. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS.

WHEREAS, the United States Government will all too soon complete the 1980 Census; and

WHEREAS, as a result of this 1980 Census, there may exist a reapportionment problem in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent joint legislative committee on reapportionment to consist of seven members of the House of Representatives, to be appointed by the Speaker of the House, and seven members of the Senate, to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem to be necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending such committee meetings.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and employees of the committee shall be paid out of any funds appropriated for the use of the Legislature.

Which was read and referred to the Standing Committee on Rules.

FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82. The question was on the amendment offered by Mr. Barron.

RESOLUTION

Mr. Mitchem offered the following Senate Joint Resolution, to-wit:

S. J. R. 180. NAMING THE ALABAMA NATIONAL GUARD ARMORY NOW UNDER CONSTRUCTION AT ARAB, ALABAMA, IN HONOR OF COLONEL WILBUR B. FOWLER, RETIRED.

WHEREAS, the Alabama National Guard Armory at Arab, Alabama, bears the name of Colonel Wilbur B. Fowler, who served with distinction in the Alabama National Guard from May 1936 until his retirement on August 6, 1968; and

WHEREAS, mobilized in 1940 and commissioned as a Second Lieutenant in 1942, Wilbur Fowler served three years as an officer in the South Pacific during World War II; following the war, he formed the first guard unit in Arab, Alabama, in 1947, commanding the unit until 1951, at which time the unit was mobilized during the Korean conflict; and

WHEREAS, he was separated from active duty in September 1952, and resumed command of Battery C 279th AAA Battalion in Arab; following his separation from active National Guard duty, he continued serving the Alabama Guard as a special reserve officer until 1974, ending 38 years of continuous and distinguished military service to Alabama and our nation; and

WHEREAS, Colonel Fowler has remained actively interested in the Alabama Guard and most particularly the Arab unit facility which bears his name; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in fitting tribute to Colonel Wilbur B. Fowler, Retired, and in gratitude for his faithful service, we hereby name and designate the new National Guard Armory, under construction at Arab, Alabama, "Fort Wilbur B. Fowler."

BE IT FURTHER RESOLVED, That the proper authorities are hereby directed to erect appropriate signs and markers so designating said Armory as "Fort Wilbur B. Fowler."

RESOLVED FURTHER, That a copy of this resolution be forwarded to Colonel Fowler evidencing this honorary designation in gratitude for his service.

On motion of Mr. Mitchem, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Cooley, Whatley, Letson and Bowling:

H. 961. To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 961. To the Committee on Agriculture, Conservation and Forestry.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Riddick:

H. 332. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license.

Also:

By Rep. Waggoner:

H. 985. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Also:

By Rep. Venable:

H. 782. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

Also:

By Reps. Kelley and Shoemaker:

H. 307. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama

Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

Also:

By Reps. Kelley and Shoemaker:

H. 308. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 332. To the Committee on Health and Welfare.

H. B.'s 985 and 782. To the Committee on Governmental Affairs.

H. B.'s 307 and 308. To the Committee on Business and Labor Relations.

### FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82. The question was on the amendment offered by Mr. Barron.

On motion of Mr. McDonald, further consideration of the Bill, H. B. 82, and pending amendment, was postponed temporarily.

### BILLS ON THIRD READING RESUMED

On motion of Mr. Pearson, the Rules were suspended and the Bill:

S. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel

in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

was taken up.

Mr. Harrison offered the following substitute for the Bill, S. B. 540, to-wit:

#### SUBSTITUTE FOR S. 540

#### A BILL TO BE ENTITLED AN ACT

To provide a cost-of-living salary increase for all certified employees and full-time personnel in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind, and for all full-time academic instructional personnel in the Department of Youth Services for full-time instructional staff for junior, technical, and community colleges and colleges and universities, and to appropriate such additional funds as may be necessary to pay such increase; also to provide for further payment of the cost-of-living raise authorized in Act 79-540.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning with the fiscal year ending September 30, 1981, the following personnel shall receive a cost-of-living salary increase as follows:

(a) Teacher units funded by the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors at the Alabama Institute for Deaf and Blind and in the Department of Youth Services shall receive an increase of not less than 17.7 of the 1978-79 state allocation for various ranks of certificates. This increase shall be in addition to all local increments due. These increases are for teachers with one hundred eighty-day contracts. Additional pro rata salary increases shall be granted for teachers whose contracts extend beyond one hundred eighty days. All teachers employed from funds other than the Minimum Program shall receive equal compensation based upon such increase provided teachers employed from Minimum Program funds with the same rank of certificate. Any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program; and

(b) All full-time instructors, librarians, and counselors in the technical colleges shall receive a 17.7 increase based upon the salary schedule adopted by the State Board of Education for the 1978-79 Fiscal Year; and

(c) All full-time instructors, librarians, and counselors in the junior colleges shall receive a 17.7 increase based upon the salary schedule adopted by the State Board of Education for the 1978-79 Fiscal Year; and

(d) All full-time instructional staff of Athens State College shall receive a cost-of-living increase equivalent to 17.7 of their 1978-79 salaries in addition to any other increments earned or awarded; and



(e) All full-time instructional staff of the four-year universities shall receive a cost-of-living increase equivalent to 17.7 of their 1978-79 salaries in addition to any other increments earned or awarded.

Section 2. In addition to all local increments due for the 1980-81 Fiscal Year, all full-time employees of city and county boards of education, Alabama Institute for Deaf and Blind, junior and technical colleges, Athens State College and the universities, and all full-time employees in the schools under their jurisdiction with the exception of those persons listed on the official Teachers' Institute List shall receive a salary increase of not less than 17.7 of the salary paid for their separate job classifications in 1978-79. Any county or city board of education failing to comply herewith shall not be entitled to share in the Minimum Program Fund.

Section 3. In addition to any funds which may be appropriated for the fiscal year ending September 30, 1981, under the Educational Appropriation Act and any other appropriations by the 1980 Regular Session from the Alabama Special Educational Trust Fund, there is hereby appropriated such additional funds as may be necessary to pay the cost-of-living salary increase provided by this act.

Section 4. The unappropriated ending balance of \$11,447,537 in the Alabama Special Educational Trust Fund as provided in Section 1 of Act 79-540, 1979 Regular Session, or any portion thereof in the Alabama Special Educational Trust Fund on September 30, 1980, is hereby authorized to be used to pay a salary increase for all persons entitled to the cost-of-living increase provided in Act 79-540. Provided, however, the amount of salary increase provided in this section plus the total cost-of-living increase granted during Fiscal Year 1979-80 by Act 79-540 shall not exceed a total salary increase of 7%. This increase shall be in addition to any other increases granted by this act.

The additional funds necessary to fund the salary increase provided in this section shall have first priority of all education funds spent.

This subsection shall have an effective date of October 1, 1980.

Section 5. The state Budget Officer shall determine the amounts necessary to pay the cost-of-living salary increase provided by this act and shall allocate funds to the State Board of Education for disbursement to the local school systems, the technical and junior, and community colleges, to the board of the Alabama Institute for Deaf and Blind, to the board of the Department of Youth Services and to the respective boards of the public colleges and universities.

Section 6. For the purpose of the Budget Officer making calculations of the money required to fund this appropriation, the State Superintendent of Education shall certify to the Budget Officer the number of teacher units allocated to each school board from state funds, the number of support personnel paid from state funds under each school board, and the number of full-time instructors, librarians, and counselors at each technical, junior, and community college paid from state funds. The president of the Alabama Institute for Deaf and Blind shall certify the number of full-time certified instructional staff and support personnel at that institution paid from state funds. The Director of the Department of Youth Services shall certify to the Budget Officer the number of full-time academic and vocational teachers and activities program supervisors paid from state funds in the Department. Each college or university president shall certify to the Budget Officer the amount necessary to comply with Section 1(d) and (e) and Section 2."

Section 7. The state treasurer shall issue such warrants as are necessary to pay the cost-of-living salary increases provided by this act.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 9. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Pearson, said substitute was laid on the table.

And said Bill, S. B. 540, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 30; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Cook	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	Weeks
Figures	Kirkland	Proctor	White
Goodwin	Lemaster	Robertson	

—30

*Nays:*

—0

#### FURTHER CONSIDERATION OF H. B. 82

The Senate proceeded to further consideration of the Bill, H. B. 82. The question was on the amendment offered by Mr. Barron.

Mr. Barron requested and received unanimous consent to withdraw his amendment.

Mr. Denton offered the following amendment to the Bill, H. B. 82, to-wit:

#### AMENDMENT TO HOUSE BILL 82

Amend House Bill 82, page 3, by deleting lines 23 through 25 in their entirety and substituting therefore the following:

"Section 4. Table wine may be sold in any county in Alabama which is now wet or may hereafter be designated a wet county pursuant to law, as follows:"

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Smith
Bailey	Gulledge	Little	Taylor
Barron	Hall	Mitchem	Teague
Callahan	Harrison	Parsons	Vacca
Cook	Higginbotham	Proctor	Weeks
deGraffenried	Keener	Robertson	White
Denton			

—24

*Nays:*

—0

Mr. Robertson offered the following amendment to the Bill, H. B. 82, as amended, to-wit:

AMENDMENT TO H. B. 82, AS AMENDED

Amend House Bill No. 82 Page 1 Line 20, by striking out promote after the word to and inserting "demote"

On motion of Mr. Callahan, said amendment was laid on the table.

Mr. Robertson then offered the following amendment to the Bill, H. B. 82, as amended, to-wit:

AMENDMENT TO H. B. 82, AS AMENDED

Amend House Bill No. 82 Page 5 Line 11, by striking out \$1000.00 after the word than and inserting \$10,000.00, and further amend H. B. 82 on line 11, page 5 by striking out \$10,000.00 after the word than and inserting \$50,000.00

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 14; Nays 5.

Yeas:

Messrs.:	Goodwin	Little	Smith	
Callahan	Gulledge	Martin	Vacca	
Cook	Keener	Mitchem	Weeks	
Figures	Kirkland	Parsons		—14

Nays: Messrs.: Denton, Hall, Harrison, Robertson, Taylor. —5

Mr. Callahan offered the following amendment to the Bill, H. B. 82, as amended, to-wit:

AMENDMENT TO H. B. 82, AS AMENDED

Amend H. B. 82 by deleting Section 16 on Pages 11 through 13 and substituting in lieu thereof the following:

"SECTION 16. Tax on sale of table wine.—

(a) Levy. There is hereby levied in addition to the license taxes provided for by this Act and municipal and county license taxes and in addition to any marked-up price made by the board on wine sold by the board a privilege or excise tax measured by and graduated in accordance with the volume of sales of table wine and shall be an amount equal to 47¢ per liter as bottled according to the metric standard of measure or \$1.78 for each fluid gallon 35% of the cost of table wine to the wholesale licensee or board, to be collected from the purchaser by the board or by a licensed retailer, on the basis of the ratio of the size or measure of the container sold to one liter or one fluid gallon rounded to the nearest one cent.

(b) Collection. The Tax levied by subsection (a) of this section shall be added to the sales price of all table wine sold and shall be collected from the purchasers. The tax shall be collected in the first instance from the wholesaler where table wine is sold or handled by wholesale licensees, and by the board from whomever makes sales when table wine is sold by the board. It shall be unlawful for any person who is required to pay the tax in the first instance to fail or refuse to add to the sales price and collect from purchaser

the required amount of tax, it being the intent and purpose of this provision that the tax levied is in fact a levy on the consumer. The person who pays the tax in the first instance is acting as an agent of the state for the collection and payment of the tax and as such may not collect a tax on table wine for any other level of government.

The tax hereby levied shall be collected by a monthly return, which shall be filed by the wholesale licensees as follows: a monthly return filed with the board not later than the fifteenth day of the second month following the month of receipt of table wine by the wholesaler on a form prescribed by the board showing receipts by the wholesalers from manufacturer, importer or other wholesaler licensees during the month of receipt and the taxes due thereon at the rate of 40¢ per liter, or \$1.51 per fluid gallon 30% of said wholesale cost; and the taxes due at such rate shall be remitted to the board along with the return; a monthly return filed with the county or municipality within which the wine is sold at retail filed not later than the fifteenth day of each month showing sales by wholesalers during the preceding month and the county or municipality in which sold and the taxes due thereon at the rate of 7¢ per liter, or 27¢ per fluid gallon 5% of said wholesale cost; and the taxes due at such rate shall be remitted to the county or municipality along with the return.

The tax hereby levied shall be collected by the board on the table wine sold by the board and shall be paid as follows: taxes at the rate of 40¢ per liter, or \$1.51 per fluid gallon 30% of said wholesale cost shall be remitted by the board into the state treasury and taxes at the rate of 7¢ per liter or 27¢ per fluid gallon 5% of said wholesale cost shall be remitted by the board to the county or municipality within which the wine was sold at retail not later than the last day of the month following the month of sale, as set forth in subsection (c) of this section.

The board and the governing body of each county and municipality served by the wholesaler shall have the authority to examine the books and records of any person who sells, stores or receives for the purpose of distribution, any table wine, to determine the accuracy of any return required to be filed with it.

(c) Disposition of proceeds.—The proceeds of the tax levied by subsection (a) of this section shall be paid and distributed as follows:

(1) Forty cents (40¢) per liter or one dollar fifty one cents (\$1.51) per gallon, according to the standard of measure used in bottling, 30% of said wholesale cost shall be collected by the board on its sales or paid to the board by wholesale licensees on their sales, and by the board paid into the state treasury to be credited as net profits from operation of the board to be distributed as provided by law.

(2) Seven cents (7¢) per liter or twenty-seven cents (27¢) per gallon, according to the standard of measure used in bottling, 5% of said wholesale cost shall be paid by the board on its sales or by wholesale licensees on their sales, either into the treasury of the municipality in which the table wine was sold at retail within its corporate limits, or, where sold outside the corporate limits of any municipality, into the treasury of the county in which the table wine was sold at retail.

(d) The tax herein levied is exclusive and shall be in lieu of all other and additional taxes state, county or municipality, imposed on or measured by the sale of table wine; provided that nothing herein contained shall be construed to exempt the retail sale of table wine from the levy of tax on general retail sales by the state, county or municipality in the nature of, or in lieu of, a general sales tax.

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(e) The tax levied by subsection (a) of this section shall not be imposed upon the sale, trade or barter of table wine by one licensed wholesaler to another wholesaler licensed to sell and handle table wine in this state, which transaction is hereby made exempt from said tax; provided, however, the board may require written reporting of any such transaction in such form as the board may prescribe."

which was adopted.

Yeas 22; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Barron	Hall	Martin	Taylor	
Callahan	Harrison	McDonald	Vacca	
deGraffenried	Higginbotham	Mitchem	Weeks	
Denton	Keener	Parsons	White	
Figures	Kirkland	Robertson		—22

*Nay:* Mr. Cook —1

And said Bill, H. B. 82, as thus amended, was read a third time at length and passed.

Yeas 16; Nays 13.

*Yeas:*

Messrs.:	Goodwin	McDonald	Teague	
Callahan	Higginbotham	Parsons	Vacca	
Cook	Keener	Proctor	Weeks	
deGraffenried	Little	Smith	White	
Figures				—16

*Nays:*

Messrs.:	Harrison	Martin	St. John	
Barron	Holmes	Mitchem	Taylor	
Britnell	Kirkland	Robertson		
Denton	Lemaster			
Hall				—13

MOTION TO RECONSIDER

Mr. White moved that the Senate reconsider the vote by which the Bill, S. B. 540, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 16; Nays 7.

*Yeas:*

Messrs.:	Goodwin	McDonald	Smith	
Callahan	Higginbotham	Mitchem	Taylor	
deGraffenried	Little	Proctor	Weeks	
Denton	Martin	St. John	White	
Figures				—16

Nays:

Messrs.:  
Bailey

Hall  
Harrison

Keener  
Lemaster

Parsons  
Teague

—7

### BILLS ON THIRD READING RESUMED

The Bill:

S. 377. Relating to controlled substances; prohibiting certain transactions in objects intended primarily for use with narcotic drugs and marijuana; providing under what circumstances objects may be deemed to be intended primarily for such use and prescribing penalty for violation.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 377, to-wit:

### COMMITTEE SUBSTITUTE FOR S. B. 377

#### A BILL TO BE ENTITLED AN ACT

To amend Section 20-2-75 of the Code of Alabama 1975, Alabama's Uniform Controlled Substances Act, so as to change the provisions relating to possession of and transactions in drug related objects; to change the definitions of certain terms; to change the penalties; to prohibit certain activities relating to drug related objects; to provide for defenses; to declare certain instruments, devices, and objects to be contraband; to provide for severability; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; to provide for forfeiture for objects possessed, sold or given away in violation hereof; and for other purposes.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 20-2-75 of the Code of Alabama 1975, is hereby amended to read as follows:

"§ 20-2-75. (a) It is unlawful to possess an opium pipe or any device, contrivance, instrument or paraphernalia used for unlawfully injecting or smoking a controlled substance enumerated in schedules I through V.

"(b) It is unlawful to visit or to be in any room or place where any controlled substance enumerated in schedules I through V is being unlawfully smoked or used with knowledge that such activity is occurring.

"(c) Any person convicted for a violation of this section shall be punished by imprisonment in the county jail for not more than one year for the first offense. If a person has been previously convicted of any offense related to controlled substances in schedules I through V in this state or any other state, such person may be imprisoned for two to 15 years.

"(1) 'Drug related object' means any instrument, device, or object which is designed, produced or marketed as useful primarily for one or more of the following purposes:

"(A) To inject, ingest, inhale, or otherwise introduce into the human body marijuana or a controlled substance;

"(B) To enhance the effect on the human body of marijuana or a controlled substance;

"(C) To test the strength, effectiveness, or purity of marijuana or a controlled substance;

"(D) To process or prepare for introduction into the human body marijuana or a controlled substance;

"(E) To conceal any quantity of marijuana or a controlled substance;

"(F) To contain or hold marijuana or a controlled substance while it is being introduced into the human body.

"(2) It shall be unlawful for any person or corporation, knowing the drug related nature of the object, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person any drug related object. It shall also be unlawful for any person or corporation, knowing the drug related nature of the object, to display for sale, or possess with the intent to distribute, any drug related object. Unless stated within the body of the advertisement or notice that the object that is advertised or about which information is disseminated is not available for distribution of any sort in Alabama, it shall be unlawful for any person or corporation, knowing the drug related nature of the object, to distribute or disseminate in any manner to any person any advertisement of any kind or notice of any kind which gives information, directly or indirectly, on where, or how, or from whom, or by what means any drug related object may be obtained or made. 'Knowing' as used herein means either actual or constructive knowledge of the drug related nature of the object, and a person or corporation has constructive knowledge of the drug related nature of the object if he or it has knowledge of facts which would put a reasonable and prudent person on notice of the drug related nature of the object.

"(3) It shall be unlawful for any person or corporation, other than a licensed pharmacist or practitioner licensed to dispense legend drugs, to sell, lend, rent, lease, give, exchange, or otherwise distribute to any person a hypodermic syringe or needle designed or marketed primarily for human use. It shall be an affirmative defense that the hypodermic syringe or needle was marketed for a legitimate medical purpose.

"(4) It shall be an affirmative defense that the person to whom the drug related object or advertisement or notice was distributed had a prescription from a licensed medical practitioner or psychiatrist for marijuana or the controlled substance for which the object is primarily intended to be used. It is also an affirmative defense that the drug related object was designed or marketed as useful primarily for veterinary or agricultural purposes.

"(5) For a first offense, any person or corporation which shall violate any provision of this section shall be guilty of a Class A misdemeanor. For a second offense, the defendant shall be guilty of a Class C Felony.

"(6) All instruments, devices, and objects which are distributed or possessed in violation of this section are hereby declared to be contraband and subject to forfeiture as provided for in Section 20-2-93 of the Code of Alabama 1975."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	McDonald	Smith	
Barron	Hall	Mitchem	Taylor	
Callahan	Harrison	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	Vacca	
Denton	Kirkland	Robertson	Weeks	
Figures	Lemaster	St. John	White	
Goodwin	Little			—25

*Nays:*

—0

Mr. Harrison offered the following substitute for the Bill, S. B. 377, as thus amended by the Committee substitute, to-wit:

#### SUBSTITUTE FOR S. B. 377, AS AMENDED

#### A BILL TO BE ENTITLED AN ACT

To prohibit the sale, distribution or possession of drug paraphernalia without a prescription and to prescribe penalties for violation.

Be It Enacted by the Legislature of Alabama:

Section 1. The term 'Drug Paraphernalia' means all equipment, products and materials of any kind which are used, intended for use, or designed for use, in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this Act (meaning the Controlled Substances Act of this State). It includes, but is not limited to:

(1) Kits used, intended for use, or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits used, intended for use, or designed for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(3) Isomerization devices used, intended for use, or designed for use in increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment used, intended for use, or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;

(5) Scales and balances used, intended for use, or designed for use in weighing or measuring controlled substances;



(6) Diluents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used, intended for use, or designed for use in cutting controlled substances;

(7) Separation gins and sifters used, intended for use, or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marihuana;

(8) Blenders, bowls, containers, spoons and mixing devices used, intended for use, or designed for use in compounding controlled substances;

(9) Capsules, balloons, envelopes and other containers used, intended for use, or designed for use in packaging small quantities of controlled substances;

(10) Containers and other objects used, intended for use, or designed for use in storing or concealing of such controlled substances;

(11) Hypodermic syringes, needles and other objects used, intended for use, or designed for use in parenterally injecting controlled substances into the human body;

(12) Objects used, intended for use, or designed for use ingesting, inhaling, or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body, such as:

(a) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(b) Water pipes;

(c) Carburetion tubes and devices;

(d) Smoking and carburetion masks;

(e) Roach clips: meaning objects used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand;

(f) Miniature cocaine spoons, and cocaine vials;

(g) Chamber pipes;

(h) Carburetor pipes;

(i) Electric pipes;

(j) Air-driven pipes;

(k) Chillums;

(l) Bongs;

(m) Ice pipes or chillers;

"In determining whether an object is Drug Paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:

(1) Statements by an owner or by anyone in control of the object concerning its use;

(2) Prior convictions, if any, of an owner, or of anyone in control of the object, under any State or Federal law relating to any controlled substances;

- (3) The proximity of the object, in time and space, to a direct violation of this Act;
- (4) The proximity of the object to controlled substances;
- (5) The existence of any residue of controlled substances on the object;
- (6) Direct or circumstantial evidence of the intent of an owner, or of anyone in control of the object, to deliver it to persons whom he knows, or should reasonably know, intend to use the object to facilitate a violation of this Act; the innocence of an owner, or of anyone in control of the object, as to a direct violation of this Act shall not prevent a finding that the object is intended for use, or designed for use as Drug Paraphernalia;
- (7) Instructions, oral or written, provided with the object concerning its use;
- (8) Descriptive materials accompanying the object which explain or depict its use;
- (9) National and local advertising concerning its use;
- (10) The manner in which the object is displayed for sale;
- (11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
- (12) Direct or circumstantial evidence of the ratio of sales of the object(s) to the total sales of the business enterprise;
- (13) The existence and scope of legitimate uses for the object in the community;
- (14) Expert testimony concerning its use."

Section 2. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Act. Any person who violates this section is guilty of Felony and upon conviction may be imprisoned for not more than ten years and fined not more than \$10,000.00 or both.

Section 3. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing, or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce into the human body a controlled substance in violation of this Act. Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than twenty years and fined not more than \$100,000.00 or both.

Section 4. Any person 18 years of age or over who violates Section (B) by delivering drug paraphernalia to a person under 18 years of age who is at least 3 years his junior is guilty of a special offense and upon conviction may be imprisoned for not more than twenty years and fined not more than \$50,000.00 or both.

Section 5. It is unlawful for any person to place in any newspaper, magazine, handbill, or other publication any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects designed or intended for use as drug paraphernalia. Any person who violates this section is guilty of a crime and upon conviction may be imprisoned for not more than twenty years and fined not more than \$50,000.00 or both.

Section 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Section 7. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law.

On motion of Mr. Teague, said substitute was laid on the table.

And said Bill, S. B. 377, as thus amended by the Committee substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith
Bailey	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Holmes	Proctor	Weeks
Denton	Kirkland	St. John	White
Goodwin	LeMASTER		

—25

Nays:

—0

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Joint Resolution and ordered same returned to the Senate with a favorable report, with substitute, to-wit:

S. J. R. 179. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS.

The Standing Committee on Rules reported the following substitute for the Resolution, S. J. R. 179, to-wit:

#### SUBSTITUTE FOR S. J. R. 179

S. J. R. 179. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS.

WHEREAS, the United States Government will all too soon complete the 1980 Census; and

WHEREAS, as a result of this 1980 Census, there may exist a reapportionment problem in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a permanent joint legislative committee on reapportionment to consist of sixteen members as follows: one member of the House of Representatives from each Congressional District and the chairman or vice-chairman of the House Judiciary Committee, to be appointed by the Speaker of the House and one member of the Senate from each Congressional District and the chairman or vice-chairman of the Senate Judiciary Committee, to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem to be necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay and per diem for each day he spends in attending such committee meetings.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

BE IT FURTHER RESOLVED that the authority of this Committee shall expire at the conclusion of the last regular or special session in the calendar year 1981.

Which was adopted.

And on motion of Mr. Proctor, said Resolution, S. J. R. 179, as thus amended by the substitute, was adopted by the Senate.

#### RESOLUTION

Mr. Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 181. CREATING THE JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION.

WHEREAS, there is a continued need to further investigate the reorganization of the Alabama Public Service Commission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby established a Joint Interim Committee of the Legislature to study the reorganization of the Public Service Commission. For purposes of continuity, said committee shall be composed of the same individual members of the House of Representatives and the Senate that constituted the Joint Legislative Committee to study the reorganization of the Alabama Public Service Commission created by Act No. 80-119, H. J. R. 106, 1980 Regular Session. Said joint interim committee shall report its findings, conclusions and recommendations on or before the sixth legislative day of the 1981 Regular Session.

The Clerk of the House and the Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount that may be expended by the committee shall not exceed \$9,000.00, and an appropriation is hereby made to such extent.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

was taken up.

MOTION TO ADJOURN LOST

At 10:55 P.M., Mr. St. John moved that the Senate adjourn until Thursday, May 1, 1980, at 11 o'clock A.M., which motion was lost.

Yeas 7; Nays 16.

Yeas:

Messrs.:	Keener	Mitchem	Robertson
Hall	Little	Parsons	St. John

—7

Nays:

Messrs.:	Denton	Martin	Taylor
Bailey	Goodwin	McDonald	Vacca
Barron	Harrison	Proctor	Weeks
Cook	Higginbotham	Smith	White
deGraffenried			

—16

FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H. B. 244.

Mr. Goodwin moved that further consideration of the Bill, H. B. 244, be indefinitely postponed.

Mr. Keener offered a substitute motion that further consideration of the Bill, H. B. 244, be postponed until the next Legislative Day as Unfinished Business.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 511

S. B. 530

S. J. R. 136

S. J. R. 140

S. J. R. 150

S. J. R. 151

S. J. R. 152

S. J. R. 155

S. J. R. 164

Delivered to the Governor, April 22, 1980, at 5:45 P.M.

S. B. 80

S. B. 327

S. B. 393

S. B. 459

S. B. 493

S. B. 541

S. B. 543

S. J. R. 9

S. J. R. 165

S. J. R. 166

S. J. R. 169

S. J. R. 173

S. J. R. 174

Delivered to the Governor, April 29, 1980, at 4:30 P.M.

McDOWELL LEE,  
Secretary.

## SECRETARY'S REPORT

The foregoing report of the Secretary was read and orderd spread upon the Journal.

## ADJOURNMENT

At 11:05 P. M., on motion of Mr. Keener, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, H. B. 244, the Senate adjourned until Thursday, May 1, 1980, at 11:05 A.M.

Yeas 13; Nays 10.

Yeas:

Messrs.:  
deGraffenried  
Denton  
Gulledge  
HallHigginbotham  
Keener  
Little  
McDonaldMitchem  
Parsons  
RobertsonSt. John  
Teague

—13

Nays:

Messrs.:  
Bailey  
BarronCook  
Goodwin  
HarrisonProctor  
Taylor  
VaccaWeeks  
White

—10

## TWENTY-SEVENTH LEGISLATIVE DAY

THURSDAY, MAY 1, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend James Cleondis, Pastor, Greek Orthodox Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. Gulledge, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Sixth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Sixth Legislative Day was approved by the Senate.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama  
Gentlemen:

I hereby transmit to you a message from the Governor relative to appointments to the Board of Trustees of Livingston University.

Respectfully submitted,  
JAMES E. FOY,  
Executive Secretary.

Done this 1st day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

The Honorable Joe C. McCorquodale, Jr., Jackson, Alabama (Term expiring December 27, 1991, Reappointment)

Mr. Winston Wise, Livingston, Alabama (Term expiring December 27, 1991, Reappointment)

The Honorable Leigh Pegues, Marion, Alabama (Term expiring December 27, 1991, Replaced Lee Williams)

Mr. Ira Drayton Pruitt, Jr., Livingston, Alabama (Term expiring December 27, 1991, Replaced Ira Pruitt)

Mr. John Dobbins, Huntsville, Alabama (Term expiring December 27, 1991, Replaced John R. Broadway)

Respectfully,

FOB JAMES,  
Governor.

Done this 1st day of May, 1980.

#### GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Board of Trustees of Livingston University, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ford:

H. J. R. 249. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

WHEREAS, the costs of state funding for off-campus branches and centers of junior colleges have escalated in recent years; and

WHEREAS, much controversy surrounds the extent and areas of duplication of services and curriculum to the communities and taxpayers; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint interim committee to be composed of three members of the House of Representatives and three members of the Senate, appointed by the presiding



officer of each house. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall study all facets relating to the costs, curriculum, duplication of curriculum within the community, needs, necessities and any other pertinent matters pertaining to off-campus branches and centers of junior colleges. The committee shall have subpoena powers.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the committee's work. The committee shall report its findings, conclusions and recommendations to the legislature not later than the fifth legislative day of the 1981 Regular Session, whereupon the committee shall be dissolved. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman; provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session. The total of such expenses shall not exceed \$7500.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 249, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Bill:

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified

wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension or revocation of licenses.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 175. TO CONTINUE AND RE-ORGANIZE AN INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT OF THE LEGISLATURE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bennett, Adams (C), Albright, Amari, Barton, Bedsole, Blake, Bowling, Carothers, Carter, Cates, Cheatwood, Clark (G), Cobb, Cooley, Cosby, Crow, Daniels, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Grimsley, Hall, Hammett, Harper (O), Holmes, Howard, Johnson (Roy), Laird, Langford, Letson, Lewis, McCorquodale, McKee, McMillan, Moore, Naramore, Olive, Payne, Penry, Rains, Riddick, Sasser, Smith (C), Smith (J), Starkey, Tucker, Turnham, Venable, Warren, Williams and Wyatt:

H. J. R. 247. EXPRESSING SYMPATHY FOR THE EIGHT AMERICAN SERVICEMEN KILLED IN THE ILL-FATED ATTEMPT TO RESCUE AMERICAN HOSTAGES IN IRAN

WHEREAS, through illegal action and violation of international law 50 American hostages have been held for almost six months in Iran following a take-over of the U.S. Embassy last November 4, and

WHEREAS, U.S. military forces undertook a daring rescue attempt last Thursday which, although unsuccessful, served notice the United States intends to gain release of its citizens through whatever means necessary, and

WHEREAS, eight American servicemen lost their lives during a collision of retreating aircraft when the rescue mission was cancelled due to equipment failure, and

WHEREAS, the government of Iran led by Ayatollah Khomeini continues its insane course of international barbarism threatening the lives and safety of the hostages in face of the American resolve to rescue them, and

WHEREAS, the Khomeini regime ignores all demands for common decency and humanitarianism not only from America but from American allies the world over; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That it does hereby express its deepest sympathy to the families of the eight servicemen who died in the rescue attempt, and be it further

RESOLVED, That it is the sincerest hope of each and every Alabama legislator that a quick and safe release of the hostages will be possible, and be it further

RESOLVED, That President Carter is hereby encouraged to continue to take whatever action deemed necessary to gain such release including, if need be, additional military action, and be it finally

RESOLVED, That a copy of this resolution be sent to President Carter with the expressed hope that international banditry will not be ignored, no matter from what quarter.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Keener, the Rules were suspended and the Resolution, H. J. R. 247, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Coburn:

H. J. R. 245. CREATING A JOINT INTERIM COMMITTEE TO STUDY UNEMPLOYMENT COMPENSATION LAWS

WHEREAS, due to the economic crisis, and the present level of funds available in the unemployment compensation fund of the state; and

WHEREAS, the level that must be maintained in such fund is dictated by law; and

WHEREAS, due to the fact that industry and labor in recent years have been unable to agree on changes in unemployment compensation laws; and

WHEREAS, it is absolutely necessary that the legislature investigate the matter and arrive at a solution to carry the state through the pending economic crisis; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Joint Interim Committee to Study Unemployment Compensation Laws.

Said committee shall consist of six members, three to be selected by the Speaker of the House of Representatives and three to be selected by the Lieutenant Governor.

The Clerk of the House and Secretary of the Senate shall furnish the committee with any necessary clerical assistance and supplies needed by the committee in performing its duties to be paid from funds appropriated to the use of the Legislature. Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total amount that may be expended by the committee shall not exceed \$7,500.00.

The Joint Interim Committee to Study Unemployment Compensation Laws shall report its findings and recommendations to the Legislature not later than the fifth legislative day of the 1981 Regular Session.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Little, the Rules were suspended and the Resolution, H. J. R. 245, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Carothers:

#### H. J. R. 250. CREATING THE JOINT INTERIM COMMITTEE TO STUDY NUCLEAR ENERGY ACTIVITIES

WHEREAS, nuclear power is a part of Alabama's industry and its growth is continuing inasmuch as by the end of 1982, there will be seven (7) nuclear reactors operating in the state and a nuclear fuel fabricating plant will begin commercial operation at Prattville in 1983; and

WHEREAS, the people of the State of Alabama are concerned about nuclear power, their confidence in nuclear power being greatly reduced because of the Three Mile Island-2 series of accidents; and

WHEREAS, the Joint Interim Committee on Nuclear Energy did not complete its studies as regards to the nuclear power industry and there is a need in the state for this matter to be studied with attention focused on the results affecting the people of Alabama regarding fall-out and disposal of the radioactive by-products of nuclear fission; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a Joint Committee from both houses of the Legislature to study the effects of nuclear energy and other matters pertaining to nuclear energy in the State of Alabama.

BE IT FURTHER RESOLVED, That said Joint Committee is to be composed of nine (9) members composed of the Chairman of the House Health Committee and Chairman of the Senate Health Committee and four (4) members of the House Health Committee appointed by the Chairman and three (3) members from the Senate Health Committee to be appointed by the Chairman of the Health Committee in the Senate. This Committee shall meet within ten (10) days after final adjournment of the 1980 Regular Session of the Legislature for the purpose of organization. The responsibilities of the members should be discussed and determined at the organizational session. The Committee shall make its final report to the Legislature no later than the fifth legislative day of 1981 Regular Session at which time the Committee shall be terminated.

The Clerk of the House and the Secretary of the Senate are directed to furnish secretarial help for the Committee and the Committee shall receive its regular mileage and per diem. There is appropriated from the funds appropriated for the use of the Legislature the amount of seven thousand dollars (\$7,000.00) for the expense of this Committee.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 250, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sandusky:

H. J. R. 251. RESOLUTION REQUESTING THAT ALL IRANIAN STUDENTS IN ALABAMA POSTSECONDARY INSTITUTIONS LEAVE THIS STATE AT THE END OF THE TERM FOR WHICH THEY ARE CURRENTLY ENROLLED.

WHEREAS, the government of Iran has illegally and violently held fifty-three members of the American Embassy staff for one hundred and seventy-eight days against their will and in violation of international law, and

WHEREAS, the bodies of eight American servicemen who bravely gave their lives in the attempt to rescue their fellow countrymen were cruelly desecrated by one of Iran's religious leaders, and

WHEREAS, hundreds of Iranian nationals are enrolled in Alabama's Junior Colleges and Senior Universities at great public expense, and

WHEREAS, no Iranian student in Alabama has spoken out against the current regime in Iran or has offered any expression of sympathy for the families of the servicemen who died in Iran, and

WHEREAS, the American people and the citizens of Alabama no longer will tolerate the citizens of any nation which insults our honorable dead,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Iranian students are no longer welcome in any publicly supported institution of higher education in this state.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 251, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 182. COMMENDING DECA OF ENTERPRISE HIGH SCHOOL, ALABAMA CHAPTER OF THE YEAR.

WHEREAS, it is with extreme pleasure that the Alabama Legislature congratulates the Enterprise High School Chapter of the Distributive Education Clubs of America, recently named the top chapter in the entire State of Alabama; and

WHEREAS, in the Chapter of the Year event, chapters are competing for this highest honor that can be received in state and national competition with judging encompassing such areas as leadership ability, civic consciousness, social intelligence and vocational understanding; and

WHEREAS, it is also to be noted that in addition to Enterprise DECA's overall win and the state's Best Yearbook Award, the chapter boasted individual winners in some 50 percent of events entered by the student members; these winners, as well as the chapter as a whole, will now compete on the national level in Miami, Florida, June 21-26, 1980; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That we most highly commend the Enterprise High School Chapter of DECA and all its members of their prestigious showing as top winner of all Alabama chapters; we further extend sincere congratulations and indeed wish them well in national competition.

BE IT FURTHER RESOLVED, That the chapter receive a copy of this resolution, which evidences the Legislature's esteem, with a copy also provided for appropriate school display at Enterprise High School.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 183. COMMENDING MAYOR L. FRANK SAWYER FOR MERITORIOUS SERVICE TO THE CITY OF NEW BROCKTON.

WHEREAS, the Legislature of Alabama has noted the recent retirement of Mr. L. Frank Sawyer, Sr., as Mayor of New Brockton in Coffee County, Alabama; and

WHEREAS, a native of New Brockton, Mayor Sawyer was first elected to office in 1974 to be re-elected in 1978; a former city councilman, prior to his service in mayoral capacity, he also is a longtime employee of the Dorsey Trailer Company in Elba; and

WHEREAS, it is to be noted that the City of New Brockton greatly prospered under the purposeful leadership of Mayor Sawyer; his reorganization of city government and other innovations have resulted in a totally debt-free financial status for the city, and have further resulted in other major improvements including a complete new water system for the city; and

WHEREAS, New Brockton also was able to purchase much needed equipment including a new fire truck and an ambulance for the New Brockton Rescue Squad, which was instrumentally formed under Mayor Sawyer; and

WHEREAS, during a recent dinner in his honor, Mayor Sawyer was presented a plaque in appreciation for those many accomplishments during his tenure and, additionally, for his role in securing a new elementary school, high school football field and recreation park for the city; and

WHEREAS, a longtime member of the Methodist Church, he also has evidenced deep involvement in other community affairs as a lifetime member of the New Brockton Athletic Club and as a member for many years of the Exchange Club; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we unite with the City of New Brockton, Alabama, in most highly commending Mayor L. Frank Sawyer for meritorious service in public, community and civic affairs; we further direct that he receive a copy of this resolution, tendered in appreciation and in high regard.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 184. MOURNING THE DEATH OF MR. WILLIAM MARVIN LEWIS, JR., OF COTTONWOOD, HOUSTON COUNTY, ALABAMA.

WHEREAS, the Alabama Legislature is deeply saddened by the death of Mr. William Lewis, Jr., of Cottonwood, Alabama, on April 17, 1980, at the age of 78; and

WHEREAS, a native of Houston County and lifetime resident of Cottonwood, Mr. Lewis was a former mayor of his beloved hometown from 1920 until 1965, a long time prestigious tenure of some 45 years; a past president and chairman of the board of the Bank of Cottonwood, he also was a prominent businessman as a partner in W.M. Lewis and Son Store and Farms; and

WHEREAS, Mayor Lewis, who was a graduate of Dothan High School and of Atlanta's Oglethorpe University, held membership in the Cottonwood United Methodist Church and was a member of Pi Kappa Phi fraternity; and

WHEREAS, an outstanding member of his community, Mr. Willie Lewis was beloved of family and friends who are sorely grieved by the loss of one who so sacrificially served in the interest and well-being of his fellowman; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of Mr. William Marvin Lewis, Jr., and extend our most heartfelt sympathy to his wife, Mrs. Bernice Howell Lewis, to their children, James and Sylvia Hughes, and other family members, to whom copies of this resolution shall be sent.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

#### POINT OF PERSONAL PRIVILEGE

Mr. Miller requested that the Journal show that had he been present in the Chamber when the Bill, S. B. 540, was passed, he would have voted "Aye".

#### RESOLUTION

Messrs.: Little, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 185. WISHING COACH RALPH "SHUG" JORDAN ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

WHEREAS, the Legislature of Alabama expresses deep regret and concern in the illness of Alabama's beloved Coach Ralph "Shug" Jordan who remains hospitalized following heart surgery at Brookwood Medical Center in Birmingham, Alabama; and

WHEREAS, Coach Jordan's illness is an experience of shared distress by all citizens of our state who are ever mindful and deeply appreciative of the innumerable and outstanding contributions Coach Jordan has made not only to Auburn University but to all of Alabama, as well; and

WHEREAS, we are pleased to hear that the prognosis at this time is encouraging though his complete recovery will of course take time, no doubt necessitating further treatment and extensive care; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we sincerely and deeply regret the illness of Coach Ralph "Shug" Jordan and do most earnestly beseech his complete recovery in the shortest possible time.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Coach Jordan that he may know of our warm best wishes for him and for his family during his illness.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:



S. 394. Relating to Etowah County; to provide for an expense allowance for the chairman and board members of the Gadsden Water Works and Sewer Board.

Also:

S. 395. Relating to Etowah County; providing expense allowances to the official court reporters of the sixteenth judicial circuit payable from the general fund of the county.

Also:

S. 396. Relating to Etowah County; providing for the total compensation for the clerk of the jury commission; and repealing all conflicting laws.

Also:

S. J. R. 41. NAMING THE NATIONAL GUARD ARMORY AT TUSKEGEE, ALABAMA, "FORT BENJAMIN O. DAVIS."

Also:

S. J. R. 158. REQUESTING PRESIDENT CARTER AND CONGRESS TO ALLOCATE TO EACH OF THE STATE HIGHWAY DEPARTMENTS, AND TO OUR STATES' COUNTIES, FOR MAINTENANCE OF STATE AND LOCAL ROADS, ANY INCREASE OF FEDERAL MOTOR FUELS TAX.

Also:

S. J. R. 167. COMMENDING MRS. CHARLA ADKISON, OUTSTANDING SCIENCE TEACHER OF THE YEAR.

Also:

S. J. R. 177. COMMENDING THE BRAVE MEN WHO PARTICIPATED IN THE IRANIAN HOSTAGE RESCUE ATTEMPT.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### RESOLUTION

Messrs. deGraffenried and Robertson offered the following Senate Resolution, to-wit:

S. R. 186. MOURNING THE DEATH OF MR. JOHN CALVIN FAULKNER, PROMINENT TUSCALOOSA BUSINESSMAN AND CIVIC LEADER.

Which was adopted.

## REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Riddick:

H. 473. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

By Rep. Adams (C): et al:

H. 701. To amend Title 23, Section 23-1-300, 23-1-306, 23-1-307, 23-1-313, 23-1-314, and 23-1-317, Code of Alabama 1975, as amended, relating to the Federal Aid Highway Finance Authority so as to include the Federal Aid Primary Highway System in the Federal Aid Highway Finance Authority for the purpose of further anticipating and providing for the Federal matching share of the cost of constructing highways.

By Rep. Adams (C), et al:

H. 702. To create an Equipment Replacement Surplus Reserve Account or Fund in the Public Road and Bridge Fund of the State Highway Department so as to allow the Highway Department to initiate a Road Machinery and Equipment Management System; to allow the Highway Department to accumulate depreciation, equipment replacement allowances, and salvage value in the Equipment Replacement Surplus Reserve Account; and to appropriate those funds to the Highway Department to be used to upgrade, replace, or make extraordinary repairs to road machinery and equipment.

By Rep. Payne, et al:

H. 261. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

By Rep. Sasser:

H. 276. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

By Rep. McMillan:

H. 916. To amend Section 10 of Act No. 79-688, H. 540, 1979 Regular Session (Acts 1979, p. 1217), entitled "An Act Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in 'captive' counties, heretofore transferred to it, and revesting such

functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date," so as to provide further for the alternative effective date of said act.

By Rep. Adams (H), et al:

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

By Rep. Naramore:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

By Rep. Gafford:

H. 458. Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

By Reps. Biddle and Moore:

H. 453. To amend Section 36-22-16 of the Code of Alabama, 1975, to provide further for the compensation of the sheriffs of the several counties in this state with a retroactive effective date.

By Rep. Stout, et al:

H. 578. To amend Section 5 of Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties" and its employees therein, and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such amounts equal to accumulated sick leave to their respective county retirement systems if available; and to provide for the county governing body to hold such funds in trust for the options of payment or use.

By Rep. Minus:

H. 14. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

By Reps. Turnham and McCorquodale:

H. 811. To facilitate vehicular traffic in the state by providing for the construction, operation and maintenance of toll road, bridge and tunnel projects, creating the Alabama Toll Road, Bridge and Tunnel Authority and

and defining its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such projects; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such projects shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the Authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

By Rep. Willis:

H. 605. To amend Sections 40-9-19 and 40-9-21 of the Code of Alabama 1975, relating to homestead exemptions and an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older, so as to prescribe further the amount of exemption and the amount of acreage allowed for such exemption.

By Reps. Grouby, Owens and Edwards:

H. 164. To re-open the Teachers' and Employees' Retirement Systems of Alabama for non-membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and to provide that this Act shall take effect October 1, 1980, and to provide for its termination.

By Rep. Owens:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

By Rep. Owens:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Smith, et al (With Substitute):

H. 576. To further provide for Capital security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of

public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Sasser (With Amendment):

H. 440. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Sasser, Gafford, Biddle, McCorquodale, Manley, McMillan, Owens and Kelley:

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent (1-1 1/2%) upon the purchase price of any automotive vehicle, truck trailer, boat, boat motor, boat trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Johnson (R.G.), Shoemaker and Minus (With Amendment):

H. 492. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Messrs.: Harrison and Cook (With Substitute) (With Amendment):

S. 403. To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Messrs. Harrison and Cook (With Substitute):

S. 404. To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude distillate or liquefied gas from such definitions.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, that it was read a second time and placed on the calendar, to-wit:

By Mr. Cook (with notice and proof):

S. 622. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide that nothing herein contained shall amend, alter or rearrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owned by the Shelby County Board of Education.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Dixon and Lewis:

H. 151. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Lewis and Manley (With Substitute) (With Amendment):

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, to exempt certain counties from the provisions of this law and to repeal in part Section 40-12-10, Code of Alabama 1975.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Bowling, et al (With Amendment):

H. 466. To direct the state department of pensions and security to promulgate rules and regulations to require certain public assistance recipients who are able to work to perform public work or service for the state or county in exchange for the benefits which they receive.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Venable:

H. 622. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

By Rep. Hines:

H. 628. To rename the former board of corrections the department of corrections.

By Reps. Mitchell, McKee and Cosby:

H. 740. To amend Sections 34-13-51, 34-13-53, 34-13-55, 34-13-70, 34-13-90, 34-13-111, 34-13-113, 34-13-130 and 34-13-131 of the Code of Alabama 1975, which relate to the Alabama Board of Funeral Service and provide for the licensing of funeral directors, embalmers and funeral establishments so as to increase various license fees; and to further provide for the licensing of apprentices by lowering the age restriction and requiring that the period of apprenticeship be performed in Alabama.

By Rep. Waggoner:

H. 770. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

By Reps. Turnham and McCorquodale:

H. 889. To designate the wild turkey as the official state game bird for the State of Alabama.

By Rep. Zoghby:

H. 935. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Mr. White:

S. 544. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. deGraffenried (with notice and proof):

S. 569. Relating to Tuscaloosa County, to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

By Mr. Little (with notice and proof):

S. 606. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

By Mr. Keener (with notice and proof):

S. 607. To provide an expense allowance for certain city employees of Attalla.

By Mr. Keener (with notice and proof):

S. 608. To provide the members of the Etowah County board of registrars with an additional per diem supplement.

By Mr. Keener (with notice and proof):

S. 609. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Etowah County.



By Mr. Callahan (with notice and proof):

S. 610. To amend Section 1 of Act No. 710, H1102 (1976 Regular Session) (Acts 1976 p. 990) an act providing for the minimum compensation for all Deputy Sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

By Mr. Little (with notice and proof):

S. 611. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

By Mr. Little (with notice and proof):

S. 612. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

By Mr. Little (with notice and proof):

S. 613. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

By Mr. Holmes (with notice and proof):

S. 614. Relating to Calhoun and Talladega Counties; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford in said counties.

By Mr. Proctor (with notice and proof):

S. 615. Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

By Mr. Keener (with notice and proof):

S. 617. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

By Mr. Harrison (with notice and proof):

S. 618. To amend Section 1 of Act No. 388, H. 979, 1978 Regular Session, entitled "An Act Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds, so as to increase the salaries of the deputies of the sheriff's department."

By Mr. Denton (with notice and proof):

S. 621. Relating to Colbert County; to provide for the establishment of fees by the county commission based upon, but not bound by recommendations of the county board of health for public health services.

By Mr. Cook (with notice and proof):

S. 623. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Mr. Cook (with notice and proof):

S. 624. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Mr. Cook (with notice and proof):

S. 625. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

By Reps. McKee and Holmes:

H. 621. Relating to the Fifteenth Judicial Circuit; to allow the Presiding Judge or the Presiding Judge of the Criminal Division of the Fifteenth Judicial Circuit, upon motion of the District Attorney for such circuit, to empanel more than one Grand Jury to sit in session simultaneously.

By Rep. Smith (J) (with notice and proof):

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

By Rep. Smith (J) (with notice and proof):

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

By Reps. Whatley and Ward:

H. 932. Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Whatley (with notice and proof):

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City police jurisdiction, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

By Rep. Smith (J) (with notice and proof):

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts, p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

By Rep. Laird (with notice and proof):

H. 1012. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

By Rep. Edwards (with notice and proof):

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost therefor, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Rep. Minus (with notice and proof):

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

By Rep. Minus (with notice and proof):

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

By Rep. Pegues (with notice and proof):

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

By Rep. Pegues (with notice and proof):

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

By Rep. Pegues (with notice and proof):

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

By Rep. Dial (with notice and proof):

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

By Rep. Daniels (with notice and proof):

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

By Reps. Penry and McMillan (with notice and proof):

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

By Reps. McMillan and Penry (with notice and proof):

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

By Reps. McMillan and Penry (with notice and proof):

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

By Reps. McMillan and Penry (with notice and proof):

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

By Reps. McMillan and Penry (with notice and proof):

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in the county; providing for the collection and enforcement of the tax, appropriating the proceeds therefrom and prescribing penalties for violations.

By Rep. McMillan and Penry (with notice and proof):

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

By Reps. Minus and Manley (with notice and proof):

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to members of the Sumter County Board of Education.

By Rep. Clark (G) (with notice and proof):

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.

By Rep. Minus (with notice and proof):

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Bennett (with notice and proof) (With Amendment):

H. 654. To fix the compensation of salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Parsons (with notice and proof):

S. 626. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of nongame fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

By Mr. Hall (with notice and proof):

S. 616. Relating to Jefferson County; prohibiting any public water supply system in the county from charging customers in one municipality or in any unincorporated area within the county at a higher rate than customers in any other municipality or unincorporated area within the county; and to prescribe penalties for violations.

By Mr. Hall (with notice and proof):

S. 603. Relating to Jefferson County; to authorize and empower the county commission to formulate and administer a plan whereby certain county employees may purchase up to ten years credit in the county retirement system for certain past service to the county.

By Rep. Boles (with notice and proof):

H. 340. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Teague:

S. 581. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and co-operation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, engaged within this state in promoting the human, economic, and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and co-ordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advice on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to authorize the governor to transfer, from the general fund of the state treasury from funds currently available unencumbered and designated as federal revenue sharing or other federal funds, or from other unencumbered funds appropriated from the legislature for the current use by the governor, such amounts, as he deems necessary to implement the provisions of this act, to the office of State Planning and Federal Programs; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

By Mr. Teague:

S. 582. To amend Sections 41-9-201 and 41-9-202 of the Code of Alabama 1975, relating to the Alabama development office, so as to further

provide for the composition, the powers and duties thereof, and to allow the director to appoint additional assistant directors outside of the classified service, and to bring certain additional industry-related agencies under said office.

By Mr. Teague:

S. 583. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investments within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

Mr. White, Chairman of the Standing Committee on Health and Welfare, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, and it was read a second time and placed on the calendar, to-wit:

By Rep. Riddick (With Substitute):

H. 332. This bill amends Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation, and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Letson and Whatley:

H. 762. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel or barrel as is generally recognized in the present day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Moore and Smith (C) (with notice and proof):

H. 760. Applying only to Shelby County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

By Rep. Blake (with notice and proof):

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with substitute, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Johnson (Roy) (with notice and proof) (With Substitute):

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

By Rep. Waggoner (with notice and proof) (With Substitute):

H. 882. Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further provide for the salary, term of office, vacancy, bond, and election of said chairman.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cobb (with notice and proof):

H. 906. Relating to Marion County; to amend Act No. 80-126, HB 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

By Reps. Owens, Mitchell, Barton, Howard, Clark (G) and Johnson (Roy) (with notice and proof):

H. 944. To alter the boundary line between Bibb and Tuscaloosa County.

By Rep. Reed (with notice and proof):

H. 1023. Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.



By Rep. Reed (with notice and proof):

H. 1024. Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

By Rep. Reed (with notice and proof):

H. 1025. Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

By Reps. Coburn and Goodwin (with notice and proof):

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

By Rep. Gilmer (with notice and proof):

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

By Rep. Gilmer (with notice and proof):

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing that for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

By Rep. Blake (with notice and proof):

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

By Rep. Owens (with notice and proof):

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

By Rep. Owens (with notice and proof):

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

By Rep. Reed (with notice and proof):

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all county and municipal sales and use taxes.

By Rep. Reed (with notice and proof):

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all county and municipal sales and use taxes.

By Reps. Cooley and Bowling (with notice and proof):

H. 967. To amend and re-enact Act No. 79-574, H. 995, 1979 Regular Session (Acts 1979, p. 1022), entitled, "An Act Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county," to provide further for said personnel board.

By Reps. Cooley and Bowling (with notice and proof):

H. 1011. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by certain portions of Acts of previous legislative sessions.

By Reps. Bowling and Brakefield (with notice and proof):

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

By Reps. Roberts, Patton, Letson and Cooley (with notice and proof):

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Smith (C) and Whatley:

H. 457. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and service of process, to provide for executing and service of process, in certain instances, by mail.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Mr. Weeks:

S. 619. To further amend Section 9-16-34(23) of the Code of Alabama 1975, as amended, to provide for the continued enforcement of the interim regulations promulgated under Section 502 of the federal Surface Mining Control and Reclamation Act of 1977 (Pub. L. 95-87).

By Messrs. White, Pearson, Little, Taylor, Barron, Callahan, Smith, Parsons and Keener:

S. 620. To exempt the Legislative Wives and Husbands Club from the payment of all state, county and municipal sales and use taxes.

By Mr. White:

S. 627. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Kennedy, et al:

H. 668. To amend Section 13-6-85 of the Code of Alabama 1975 relating to defacing tombstones, trees and shrubbery so as to provide further for certain criminal offenses involving graveyards and cemeteries and the penalties for such offenses.

By Rep. Bedsole:

H. 42. To require that all non resident aliens that own or lease agricultural land, or engage in farming within Alabama must annually report to the Commissioner of Agriculture and Industries, and to establish penalties for failure to report.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bill had been returned to the end of the Regular Calendar for today, to-wit:

By Messrs. Britnell and Robertson:

S. 253. To provide for the placement of all junior colleges and technical schools under the control and direction of the State Board of Education.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that the following Bills had been placed on the Consent Calendar for today, to-wit:

By Messrs. Barron, Robertson, Martin, Keener, Holmes, Harrison, Little, Denton, Proctor, Hall and Kirkland (With Amendment):

S. 172. To provide salary increases for certain state employees and to appropriate funds therefor.

By Mr. Callahan:

S. 570. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

By Messrs. Britnell and Denton:

S. 252. To amend Section 36-25-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

By Reps. Roberts, Carter, Patton and Smith (C) (With Amendment):

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

#### RULE 35 SUSPENDED

On motion of Mr. White, Rule 35 was suspended to allow transmittal to the House of the Bill, S. B. 540.

#### LOCAL BILLS ON THIRD READING

The Bill:

S. 486. Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain

forms be made available in the office of the judge of probate for the use of all persons and parties in interest; prescribing that upon request clerks in the said office shall give assistance in completing such forms; and repealing any law in conflict with the provisions of this Act.

was taken up.

Mr. Parsons offered the following amendment to the Bill, S. B. 486, to-wit:

#### AMENDMENT TO S. B. 486

Amend Senate Bill No. 486, Page 1, Line 17, by striking out after the word interest; "prescribing that upon request clerks in the said office shall give assistance in completing such forms.

Also:

Amend Senate Bill No. 486, Page 1, Line 28, by striking out after the word interest, "Upon the request of any person, clerks in the office of the judge of probate or in any branch thereof shall give assistance in completing any such forms in the said office.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Harrison	Parsons	Teague	
Clemon	Holmes	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
deGraffenried	Lemaster	St. John	White	
Glass	Little			—25

*Nays:* —0

And said Bill, S. B. 486, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Harrison	Parsons	Teague	
Clemon	Holmes	Pearson	Vacca	
Cook	Kirkland	Proctor	Weeks	
deGraffenried	Lemaster	St. John	White	
Glass	Little			—25

*Nays:* —0

The Bill:

S. 130. Relating to Macon County; to provide further compensation for the clerk and members of the jury commission, payable from the county general fund; and providing retroactive effect.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	St. John
Barron	Gulledge	McDonald	Smith
Callahan	Hall	Miller	Taylor
Clemon	Higginbotham	Parsons	Teague
Cook	Holmes	Pearson	Weeks
Figures	Kirkland		

—25

*Nays:* —0

The Bill:

S. 502. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Teague
Clemon	Holmes	Miller	Weeks
deGraffenried	Keener	Parsons	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

S. 595. Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Proctor
Barron	Hall	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks
Figures	Little		

—25

*Nays:* —0

The Bill:

S. 598. Relating to Coosa County; providing a monthly expense allowance for the county coroner.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Higginbotham	Parsons	White	
Denton	Keener			—25

Nays: —0

The Bill:

S. 599. Relating to the Thirty-ninth Judicial Circuit; providing a county salary supplement for the circuit judges effective the next fiscal year of Limestone County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Lemaster	St. John	
Barron	Glass	Little	Smith	
Britnell	Goodwin	McDonald	Teague	
Clemon	Gulledge	Mitchem	Vacca	
Cook	Higginbotham	Parsons	Weeks	
deGraffenried	Holmes			—25

Nays: —0

The Bill:

S. 600. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Harrison	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
deGraffenried	Kirkland			—25

Nays: —0

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On motion of Mr. Barron, Rule 35 was suspended to allow transmittal to the House of the above Senate Local Bills.

The Bill:

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Hall	Miller	Taylor
Callahan	Higginbotham	Mitchem	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 759. Relating to county health officers of administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Clemon	Higginbotham	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Little		

—25

Nays:

—0

The Bill:

H. 792. An act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Goodwin	Little	Smith
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Mitchem	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	St. John	
Bailey	Glass	Little	Smith	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Higginbotham	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	Miller	Vacca	
Callahan	Higginbotham	Mitchem	Weeks	
Cook	Keener	Pearson	White	
deGraffenried	Kirkland			—25

*Nays:* —0



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The Bill:

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas.:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	McDonald	Smith	
Callahan	Hall	Miller	Teague	
Clemon	Harrison	Parsons	Vacca	
deGraffenried	Higginbotham	Pearson	Weeks	
Denton	Holmes			—25
<i>Nays:</i>				—0

The Bill:

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	St. John	
Britnell	Glass	Martin	Taylor	
Callahan	Goodwin	Miller	Teague	
Clemon	Gulledge	Parsons	Weeks	
Cook	Higginbotham	Pearson	White	
deGraffenried	Holmes			—25
<i>Nays:</i>				—0

The Bill:

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Little	St. John	
Britnell	Glass	Martin	Taylor	
Callahan	Goodwin	Miller	Teague	
Clemon	Gulledge	Parsons	Weeks	
Cook	Higginbotham	Pearson	White	
deGraffenried	Holmes			—25

*Nays:* —0

The Bill:

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	McDonald	Vacca	
Cook	Higginbotham	Parsons	Weeks	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Lemaster	St. John	
Barron	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	McDonald	Vacca	
Cook	Higginbotham	Parsons	Weeks	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971 p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

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was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	St. John
Bailey	Goodwin	Little	Taylor
Barron	Gulledge	McDonald	Teague
Britnell	Hall	Miller	Vacca
Callahan	Harrison	Parsons	Weeks
Cook	Keener	Pearson	White
deGraffenried	Kirkland		

—25

*Nays:* —0

The Bill:

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.	Denton	Kirkland	Pearson
Bailey	Figures	Little	St. John
Barron	Goodwin	Martin	Taylor
Britnell	Gulledge	McDonald	Teague
Clemon	Hall	Miller	Vacca
Cook	Higginbotham	Parsons	White
deGraffenried	Holmes		

—25

*Nays:* —0

The Bill:

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violation of the provisions of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor
Bailey	Figures	Little	Smith
Barron	Glass	McDonald	Taylor
Britnell	Gulledge	Miller	Teague
Clemon	Hall	Mitchem	Vacca
Cook	Higginbotham	Pearson	White
deGraffenried	Keener		

—25

*Nays:* —0

## The Bill:

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	Martin	Taylor
Barron	Goodwin	McDonald	Teague
Callahan	Harrison	Mitchem	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Kirkland		
			—25

Nays: —0

## The Bill:

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Harrison	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Lemaster		
			—25

Nays: —0

## The Bill:

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation, and to give this Act retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Harrison	Parsons	Weeks
deGraffenried	Keener	Pearson	White
Denton	Lemaster		
			—25

Nays: —0

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The Bill:

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Gulledge	Martin	Taylor
Britnell	Hall	Miller	Vacca
Clemon	Higginbotham	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

Nays:

—0

The Bill:

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	McDonald	St. John
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Vacca
Clemon	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
deGraffenried	Kirkland		

—25

Nays:

—0

The Bill:

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Britnell	Gulledge	McDonald	Smith
Callahan	Hall	Miller	Teague
Clemon	Higginbotham	Parsons	Vacca
Cook	Holmes	Pearson	Weeks
deGraffenried	Keener	Proctor	White
Denton	Lemaster		

—25

Nays:

—0

The Bill:

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Barron	Gulledge	McDonald	Taylor	
Britnell	Hall	Mitchem	Teague	
Clemon	Higginbotham	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Lemaster			—25

*Nays:* —0

#### CONSENT CALENDAR

The Bill:

S. 172. To provide salary increases for certain state employees and to appropriate funds therefor.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 172, to-wit:

#### COMMITTEE AMENDMENT TO S. B. 172

Amend S. B. 172 on page 2, lines 10 through 13 by striking Section 4 in its entirety and inserting in lieu thereof the following:

"Section 4. There is hereby appropriated such amounts as may be necessary to implement the provisions of this act beginning October 1, 1980, from such funds as the salaries of the several state employees are paid, or if there is not sufficient money in such funds, then from the general fund or any other fund in the state treasury not otherwise appropriated."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Cook	Keener	Robertson	
Bailey	deGraffenried	Lemaster	Smith	
Barron	Denton	Little	Taylor	
Britnell	Hall	Martin	White	
Callahan	Harrison	Miller		—18

*Nays:* —0

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And said Bill, S. B. 172, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

Yeas:

Messrs.:	deGraffenried	Keener	Mitchem
Bailey	Denton	Lemaster	Robertson
Barron	Glass	Little	Taylor
Britnell	Hall	Martin	Weeks
Callahan	Harrison	Miller	White
Cook	Higginbotham		—21

Nays: —0

By unanimous consent the names of Messrs. Callahan, Britnell and Bailey were added as co-sponsors of the above Bill.

On motion of Mr. Barron, Rule 35 was suspended to allow transmittal to the House of the above Bill.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

by a majority of the whole number elected to the House, said vote being Yeas 35, Nays 0.

And said Bill S. B. 511, as amended by the Executive amendment, was again read at length and passed by a majority of the whole number elected to the House, said vote being Yeas 45, Nays 0.

And said Bill S. B. 511, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs in vacant lots not adjacent or contiguous to a residence within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or



rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers: and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or nonprofit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### CONSENT CALENDAR BILLS ON THIRD READING RESUMED

The Bill:

S. 570. To amend Section 16-1-2 of the Code of Alabama, 1975 relating to partial payments so as to provide that partial and final payment to contractors on school building construction shall be made as provided on Public Work projects.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Mitchem	
Barron	Denton	Keener	Taylor	
Britnell	Hall	Little	Vacca	
Callahan	Harrison	Martin	White	
Cook	Higginbotham	Miller		—18

*Nays:* —0

On motion of Mr. Callahan, Rule 35 was suspended to allow transmittal to the House of the above Bill.

The Bill:

S. 252. To amend Section 36-25-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

was taken up.

On motion of Mr. Britnell, the Rules were suspended in order for him to offer the following amendment, to-wit:

## AMENDMENT TO S. B. 252

Amend S. 252 as follows:

On page one, in lines 12 and 17, delete "36-25-35" and insert in lieu thereof: 36-26-35

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Lemaster	Parsons	
Barron	Denton	Little	Taylor	
Britnell	Hall	Martin	Vacca	
Callahan	Holmes	McDonald	White	
Cook	Keener	Mitchem		—18

*Nays:* —0

And said Bill, S. B. 252, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 20; Nays 0.

*Yeas:*

Messrs.	Denton	Lemaster	Parsons	
Barron	Hall	Little	Smith	
Britnell	Higginbotham	Martin	Taylor	
Callahan	Holmes	McDonald	Vacca	
Cook	Keener	Mitchem	White	
deGraffenried				—20

*Nays:* —0

On motion of Mr. Britnell, Rule 35 was suspended to allow transmittal to the House of the above Bill.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 82. To promote temperance by regulating the sale of alcoholic beverages; to authorize the Alabama alcoholic beverage control board to permit the handling and sale of table wine, containing not more than 14% alcohol by volume, by its licensees; to define terms, including wine, table wine, fortified wine or vinous liquor, manufacturer, wine wholesaler and wine retailer; to provide for the licensing of wine manufacturers, wine importers, wine wholesalers and wine retailers by Alabama alcoholic beverage control board; to impose state filing fees thereon and to levy state license fees on wine wholesalers, importers and retailers; to authorize the levy of county and municipal license fees thereon; to impose exclusive statewide tax on or measured by the sale of table wine and provide for the collection, administration and distribution thereof; to proscribe violations and offenses, and provide for the imposition of fines and the suspension of revocation of licenses.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

CONSENT CALENDAR BILLS ON THIRD  
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The Bill:

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.  
was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 115, to-wit:

COMMITTEE AMENDMENT TO H. B. 115

Amend House Bill 115, page 1, line 34, by striking out the words "unpaid members" and inserting in lieu thereof the words "unsalaried membership."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Smith
Barron	Harrison	Martin	Taylor
Britnell	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	

—18

*Nays:*

—0

And said Bill, H. B. 115, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Harrison	Little	Proctor	
Barron	Higginbotham	Martin	Smith	
Britnell	Holmes	Miller	Taylor	
Callahan	Keener	Mitchem	Teague	
Denton	Lemaster	Parsons	Vacca	
Hall				—20

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Keener, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 564, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 564

Amend S. B. 564, page 10, Section 6, subsection 7, line 18 after the word "bonds" by adding the following: , bills or notes

Further amend S. B. 564, page 10, Section 6, subsection 7, line 23 after the word "to" by striking forty percent (40%) and adding in lieu thereof the following: sixty percent (60%)

Further amend S. B. 564, page 10, Section 6, subsection 7, line 25 after the word "stock" by adding the following: , annuities and/

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Barron	Gulledge	McDonald	Taylor
Britnell	Hall	Mitchem	Teague
Clemon	Harrison	Pearson	Vacca
Cook	Higginbotham	Proctor	Weeks
Denton	Keener	St. John	White
Figures	Little		

—25

*Nays:*

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. McMillan:

H. J. R. 257. CONCERNING THE NATIONAL INTEREST LANDS IN ALASKA; REQUESTING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF CERTAIN ALASKAN LANDS LEGISLATION CURRENTLY BEFORE CONGRESS.

WHEREAS, Section 17(d)(2) of the Alaska Native Claims Settlement Act of 1971 directed the Secretary of the Interior "to withdraw from all forms of appropriation under the public land laws, including the mining and mineral leasing laws, and from selection under Alaska Statehood Act. . . up to, but not to exceed, 80 million acres of unreserved public lands in the State of Alaska . . . which the Secretary deems suitable for addition to or creation as units of the National Park, Forest, Wildlife Refuge, and Wild and Scenic River systems"; and

WHEREAS, The same 1971 Act required Congress to act upon the Secretary's recommendations within 7 years; and

WHEREAS, Both the United States House of Representatives and the United States Senate have had under consideration legislation responding to the recommendations of the Secretary entered in accordance with the mandate of the 1971 Act, but Congress has failed to agree on a single version of Alaska National interest lands legislation; and

WHEREAS, The President, Secretary of the Interior, and Secretary of Agriculture, acting in accordance with authority purportedly granted by the Antiquities Act (16 U.S.C. 431), the Federal Land Policy and Management Act (43 U.S.C. 1701), and other statutory bases for land withdrawals and reclassifications, have reserved or reclassified more than 110 million acres of Alaska land, compromising Statehood Act selection rights and threatening or severely restricting, if not altogether precluding, both traditional land and resource use activities and opportunities for resource development throughout much of Alaska; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the Alabama Legislature

adopts the following seven points as the position of the State of Alabama in its attempts to secure Congressional review and disposition of issues involving Alaska national interest lands in keeping with the spirit of the 1971 Congressional legislation:

(1) Congress should revoke each and all of the 1978 executive or administrative orders withdrawing lands in Alaska;

(2) By legislation, Congress should convey to the State its full entitlement of federal lands authorized by the Alaska Statehood Act, and to Alaska Natives the full entitlement of public lands authorized to Alaska Natives by the Alaska Native Allotment Act, 48 U.S.C 357 (Act of May 17, 1906), as amended, and by the Alaska Native Claims Settlement Act, as amended;

(3) Congress should provide for a rational means of providing access to State and private lands across any federal enclaves created;

(4) State management of fish and game on all lands in Alaska should be continued;

(5) Congress should exempt highly valuable mineral deposits and other commodity resources from inclusion in federal systems which obviate development;

(6) Traditional land uses on all lands in Alaska should continue; and

(7) The President and the Secretary of the Interior should be precluded from establishing or adding to any conservation system unit within Alaska by means of any executive or administrative authority.

BE IT FURTHER RESOLVED, That Alabama's U. S. Senators and Representatives are urged to support the passage of Alaska lands legislation this year as long as that legislation basically conforms to the policy statements enumerated in this Resolution and is an improvement over conditions which would otherwise prevail under the Antiquities Act and other executive and administrative actions should no Alaska land legislation be enacted.

RESOLVED FURTHER, That a copy of this Resolution be sent to the Alabama Senate and House Delegations in the U.S. Congress.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 257, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Letson:

H. J. R. 258. MOURNING THE DEATH OF JOSEPH GUY STRAHAN, PRAISING HIS WORKS, AND NAMING THE GAS FIELDS IN LAWRENCE AND FRANKLIN COUNTIES IN HIS HONOR.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 258, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolutions and sends same herewith to the Senate for its consideration:

By Rep. Minus:

H. J. R. 265. COMMENDING MORRIS MEADOR ON HIS INDUCTION INTO THE U.S.M. SPORTS HALL OF FAME.

Also:

By Reps. Sandusky, Zoghby, Kennedy, Turner, Bedsole, Clark (W), Buskey, Harper (T), McMillan.

H. J. R. 270. MOURNING THE DEATH OF MARTHA B. STEWART.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Rules were suspended and the Resolution, H. J. R. 265, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

On motion of Mr. Callahan, the Rules were suspended and the Resolution, H. J. R. 270, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 269. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1980 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE IS NOT OTHERWISE SPECIFIED.

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That an election upon all constitutional amendments proposed by an act of the 1980 Regular Session of the Alabama Legislature is ordered to be held, not less than three months after final adjournment of the said 1980 Regular Session, on November 4, 1980, unless the original act proposing the constitutional amendment sets the date to coincide with another state-wide primary, general or special election held not earlier than after the expiration of three months from date of final adjournment of the 1980 Regular Session.

BE IT FURTHER RESOLVED, That when an act proposes an election on a constitutional amendment at one of several elections, the Governor and Secretary of State shall consult with the primary sponsor of the act before setting an election on said amendment.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Harrison, the Rules were suspended and the Resolution, H. J. R. 269, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### UNFINISHED BUSINESS

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure of asbestos shall first be deemed to accrue.

was taken up.

The Keener motion to postpone further consideration of the Bill, H. B. 244, until the next Legislative Day as Unfinished Business (made on the Twenty-Sixth Legislative Day) now being moot, the question was then on the motion of Mr. Goodwin that further consideration of the Bill, H. B. 244, be indefinitely postponed.

On motion of Mr. Keener, the motion to indefinitely postpone was laid on the table.

Yeas 18; Nays 11.

*Yeas:*

Messrs.:	Glass	Kirkland	Pearson	
Clemon	Hall	Lemaster	Robertson	
deGraffenried	Harrison	Little	St. John	
Denton	Holmes	Mitchem	Teague	
Figures	Keener	Parsons		—18

*Nays:*

Messrs.:	Cook	Higginbotham	Taylor	
Barron	Goodwin	Martin	Vacca	
Britnell	Gulledge	Proctor	White	
				—11

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 245. CREATING A JOINT INTERIM COMMITTEE TO STUDY UNEMPLOYMENT COMPENSATION LAWS.



Also:

H. J. R. 247. EXPRESSING SYMPATHY FOR THE EIGHT AMERICAN SERVICEMEN KILLED IN THE ILL-FATED ATTEMPT TO RESCUE AMERICAN HOSTAGES IN IRAN.

Also:

H. J. R. 251. RESOLUTION REQUESTING THAT ALL IRANIAN STUDENTS IN ALABAMA POSTSECONDARY INSTITUTIONS LEAVE THIS STATE AT THE END OF THE TERM FOR WHICH THEY ARE CURRENTLY ENROLLED.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President at the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 724. To repeal Act No. 653, H. 589, 1975 Regular Session (Acts 1975, p. 1410), entitled "An Act To require the members of the board of registrars in all counties having populations of not less than 300,000 nor more than 600,000 according to the most recent or any subsequent decennial census to be available at the city hall of each incorporated municipality for the purpose of voter registration and voter reidentification, once each 6 months, and to be available at certain unincorporated areas in the county once each 6 months at the request of the House of Representatives member who represents such area with the concurrence of the Senate member who represents such area."

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H. B. 244.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 48. To provide for the establishment of the Birmingham Civic Center and the creation of the Birmingham-Jefferson County Civic Center Authority, a public corporation, for the purpose of establishing, maintaining and operating such civic center; to provide for the Board of Directors of said Authority, the composition, membership, terms of office, powers and duties of said Board; to grant the Authority the power of eminent domain; to authorize the Authority to construct, maintain, control, operate and manage said civic center, and certain offices, buildings, streets, boulevards, walkways, parkways, parks, monuments, statues, certain other structures, community or meeting houses, auditoriums, arenas, convention halls and sites, places of recreation, music halls, art museum, art exhibits and other exhibits for the advancement of the humanities and the cultural development and edification of the citizens of the county and municipality; to authorize the county and municipality to lease, sell, donate or otherwise convey to the Authority real or personal property, including park properties without authorizing an election of the qualified voters of the county or of the municipality provided the respective governing body shall first determine that such lease, sale, donation, conveyance or appropriation will benefit the people of the county or municipality; to authorize the Authority to borrow money and to issue revenue bonds as evidence of money so borrowed, which bonds shall be payable solely from taxes payable to the authority by act of the Legislature heretofore or hereafter adopted and from revenues of the Authority derived from the authorized activities, operation and enterprises; to authorize the Authority to mortgage its property to secure the payment of principal and interest due on said bonds; to authorize the Authority to execute such contracts, documents and other instruments as it deems necessary to secure the payment of the principal and interest due on said bonds; to authorize the Authority to borrow money, to issue as evidence of its obligation to repay such money, its negotiable promissory notes and to provide the security for such notes and the refunding thereof by the issuance of notes or bonds; to provide for the Alcoholic Beverage Control Board to issue liquor licenses to the said civic center authority; to regulate the issuance of such licenses, the amount of license tax or fee payable therefor; to provide that pursuant to such license the Authority is authorized to keep and sell in its Civic Center, alcoholic, malt or vinous beverages and to further define "Authority" and "Civic Center"; to further provide for the financing for establishing, constructing, maintaining, and operating the said civic center by imposing and levying in Jefferson County a privilege or license tax on every person engaged in the county in the business of renting or furnishing any room or rooms, lodging or accommodations, in any hotel, motel, inn, tourist court, or any other place in which rooms, lodgings, or accommodations are rented or furnished for a consideration, and also a privilege or license tax on every person engaged in such county in the business of renting or furnishing space for the accommodations of trailers; and to provide for the levy, collection, manner of payment, and enforcement of an additional license tax on every person who sells, stores or delivers cigarettes or smoking tobacco in the county, for the purposes of financing the establishment, maintenance and operation of the said civic center; to provide the amount or rate of said taxes and certain exemptions therefrom; to provide for the method of collecting and enforcing said taxes; to provide for the collection of said taxes; to provide for the distribution of said taxes; to provide for a percentage of the taxes collected to be paid to the county for expenses incurred in the collection, enforcement and administration of said taxes; to express that the legislative intent of this act is to bring together all acts relating to the operation, construction, financing, and maintenance of the Birmingham Civic Center and the authority and powers of the Birmingham-Jefferson County Civic Center Authority; to provide that all taxes levied and all powers of the Authority shall continue except as herein

amended; to expand the membership of the Board of Directors of the Authority to eleven; to define "Electoral College"; to further provide for notice of certain meetings and the definition of a quorum, terms of office and successors in office; to provide misdemeanor penalties for certain violations of the provisions of this act; and to repeal conflicting laws.

Also:

H. 50. Relating to any city with a population of 300,000 inhabitants or more, according to the 1970 or any subsequent federal decennial census; regulating the keeping of dogs in vacant lots not adjacent or contiguous to a residence within such municipalities; making certain exceptions; and prescribing that the county health department shall have the authority to enforce the provisions of this act and to make reasonable rules and regulations necessary for implementing the provisions of this act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### RESOLUTIONS

Mr. Cook offered the following Senate Resolution, to-wit:

S. R. 187. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 244.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions of the following important constitutional question which has arisen concerning the pending bill, H. B. 244, a copy of which is attached to this resolution and made a part thereof by reference:

1. Can the legislature deny rights accrued to citizens under a present statute of limitations by extending said statute of limitations?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, H. B. 244, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

Which was read and referred to the Standing Committee on Rules.

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 188. HONORING THE LATE PAUL ROBERTS' FORT WALTON RIVER RATS AND THE GENEVA RIVER RATS FOR THEIR EFFORTS IN PROMOTING DEVELOPMENT OF THE CHATTAHOOCHEE RIVER.

Which was adopted.

### FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H. B. 244.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 575. Relating to Jefferson County; to amend Act No. 261, H. 1462, Regular Session, 1975, (Acts of 1975, p. 795) as amended by Act 499, Regular Session 1979, an act fixing supplemental salaries for each District Court Judge in Jefferson County, Alabama.

Also:

H. 758. Relating to Shelby County; to amend Act No. 105, H. 172, 1967 Special Session (Acts 1967, p. 137), relating to pistol permit fees of such county, so as to increase said fees.

Also:

H. 759. Relating to county health officers or administrators in Shelby County; authorizing such persons to issue official death certificates; and providing penalties for violation of this act.

Also:

H. 792. An Act, to supplement the salaries of the District Judges of the Twenty-Third Judicial Circuit.

Also:

H. 809. To provide for purging the lists of registered voters in Shelby County; requiring and prescribing the procedure for the reidentification of registered voters; placing certain duties on the board of registrars, judge of probate and the county governing body relative to the reidentification of registered voters; and providing a penalty for willfully making a false statement in connection with reidentification.

Also:

H. 858. To provide that the City of Northport shall have authority, after notice as provided, to remove or demolish buildings and structures, parts of buildings and structures, party walls and foundations located within the corporate limits of the City when the same are found by the governing body of such city to be unsafe, dangerous, offensive or injurious to the public health or welfare of the community to the extent of being a public nuisance; to provide for a hearing by the governing body if requested; to authorize that the cost of such demolition shall constitute a special assessment against the lot or lots, parcel or parcels, whereon the building or structure was located and that such assessment shall constitute a lien on said property; and to provide a method of collecting such assessments.

Also:

H. 919. Relating to Clarke County; repealing Act No. 104, H. 425 of the 1973 Regular Session, entitled, "An Act To create the position of deputy coroner in all counties having a population of not less than 26,000 nor more than 26,800 inhabitants according to the most recent federal decennial census."

Also:

H. 920. Relating to Clarke County; providing further for the office of county coroner; providing for the appointment, qualifications, powers, duties, and salary of the deputy coroner; authorizing the county governing body to appoint not more than two such deputies coroner; providing an expense allowance for the county coroner, payable from the county treasury.

Also:

H. 921. To provide for a certain increase in court costs in the Clarke County Division of the First Judicial Circuit of this state with a portion of the proceeds from such increase to be earmarked for use of the Sheriff of Clarke County.

Also:

H. 923. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 949. To provide for the relief of Marjorie Armstrong by granting to her the extraordinary disability allowance provided by Act No. 929 of the Regular Session of the Legislature of 1951 (Ala. Acts, 1951, pp. 1591-1592), as amended; to state the reasons for granting such allowance; to provide for the periods during which such allowance shall be payable; and to prescribe the conditions and limitations applying to such allowance.

Also:

H. 963. Relating to Clarke County; providing an additional expense allowance for the tax collector and tax assessor of the county, as set by the county commission.

Also:

H. 970. To amend further Act No. 1247, H. 1642, Regular Session 1971 (Acts 1971, p. 2147), relating to the issuance of pistol permits in Cullman County so as to correct a Code citation in such act.

Also:

H. 978. Relating to Monroe County; amending Act No. 1830, H. 2479, 1971 Regular Session (Acts 1971, p. 2996) entitled "An Act To provide for the compensation of the chief clerk of the judge of probate in Monroe County," so as to increase said compensation.

Also:

H. 979. To regulate the registration and identification of certain mobile homes in Chambers County and to prescribe penalties for violations of the provisions of this act.

Also:

H. 986. Relating to the 8th Judicial Circuit; to provide an additional expense allowance to each court reporter.

Also:

H. 987. Relating to Morgan County; providing further for the salaries of the chairman and members of the county commission, effective after the present term.

Also:

H. 993. Relating to Morgan County; to amend Section 1 of Act No. 733, S. 811, Regular Session 1977 (Acts 1977, p. 1279) which regulates the compensation of the members of the county board of registrars, so as to provide further for such compensation, and to give this Act retroactive effect.

Also:

H. 994. Relating to Morgan County; to provide for the mailing addresses of the grantors and grantees to appear on all conveyances of real property recorded in the probate office of such county.

Also:

H. 1010. Relating to Cullman County, to provide for expense allowance for the Board of Registrars, Jury Commission, and Board of Equalization.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### RESOLUTION

Mr. Little offered the following Senate Joint Resolution, to-wit:

S. J. R. 189. COMMENDING THE AUBURN UNIVERSITY SOIL JUDGING TEAM FOR AN UNPRECEDENTED THIRD NATIONAL CHAMPIONSHIP.

WHEREAS, the Auburn University Soil Judging Team composed of students David Bridges, Ronnie Jernigan, Donnie Parrish, Ramona Pelletier, and William Puckett in the School of Agriculture placed first in the 20th annual National Collegiate Soil Judging Contest at University Park, Pennsylvania, on April 18, 1980; and

WHEREAS, this was the third consecutive year that the Auburn team has placed first, which is unprecedented in the history of the contest; and

WHEREAS, This team was coached by Dr. Ben Hajek, outstanding soil scientist in the Department of Agronomy and Soils, who also coached the previous two years' winners; and

Whereas, this team competed against 16 regional championship teams from major universities across the nation; and

WHEREAS, the soil is one of our nation's most important natural resources; and

WHEREAS, the Number One Soil Judging Team in the nation has brought honor and distinction both to Auburn University and to the entire State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we commend and congratulate members of the Auburn University Soil Judging Team and their coach for this outstanding accomplishment.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the president of Auburn University, to the Dean of the School of Agriculture, and to the team members and their coach, as evidence of our congratulations and high regard.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hall (with notice and proof):

H. 637. Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members, providing for supplemental effect, and providing for its effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 637, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Howard (with notice and proof):

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 755, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Barton:

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and

sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections, and to provide that all of the fees provided for in each of the sections amended by this act, when collected, shall be refunded to the fund or official paying the administrative costs of performing the functions for which said fees are provided.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 637. To the Committee on Local Legislation No. 1.

H. B. 755. To the Committee on Local Legislation No. 2.

H. B. 709. To the Committee on Judiciary.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Shavers (with notice and proof):

H. 977. Relating to Jackson County; to allow the county commission to contribute a certain amount of public funds to certain rescue squads in the county and to establish a county board of directors to qualify such squads to receive such contributions.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 977, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Shavers (with notice and proof):

H. 1054. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1054, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Shavers (with notice and proof):

H. 395. Relating to Jackson County; to provide further for an annual salary for the chairman of the County Commission.



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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 395, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Shavers (with notice and proof):

H. 1053. Relating to Jackson County; to amend Act 79-473, Regular Session 1979 (Acts 1979, p. 873) which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes, so as to distribute certain moneys to the Jackson County Hospital Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1053, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Shoemaker, Dial, Moore and Johnson (R.G.) (with notice and proof):

H. 1008. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1008, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 977, 1054, 395, 1053 and 1008. To the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Wyatt (with notice and proof):

H. 1070. Relating to Montgomery County; providing for purging the names of ineligible county voters; providing for the procedure for the re-identification of qualified registered voters; placing certain duties on the board of registrars and judge of probate and county governing body relative to the re-identification process; providing a similar re-identification process following each decennial census year; and providing that willful false statements shall be punishable as perjury under the general laws of the state.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1070, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Moore and Smith (C) (with notice and proof):

H. 1066. Applying only to Shelby County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1066, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Moore (with notice and proof):

H. 1067. To promote the maintenance of Shelby County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Shelby County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Shelby County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Shelby County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Shelby County; to grant authority to the Shelby County Health Department to enforce littering laws in Shelby County, and to provide for a means of plea to the public to heed such laws and to help to eliminate litter in such county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1067, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Adams (C) and Whatley (with notice and proof):

H. 1097. Relating to Russell County; providing further for the compensation of the tax collector.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1097, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Adams (C) and Whatley (with notice and proof):

H. 1098. Relating to Russell County; amending further Act No. 925, H. 1333, 1969 Regular Session (Acts 1969, p. 1663), which established a law library, so as to provide further for the expenditure of library funds.

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I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1098, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Whatley and Adams (C) (with notice and proof):

H. 1100. Relating to Russell County; to provide that the county commission may authorize a salary supplement for the county district attorney.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1100, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 's 1070, 1066, 1067, 1097, 1098 and 1100—to the Committee on Local Legislation No. 1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Howard (with notice and proof):

H. 756. Relating to Jefferson County; defining, regulating the profession and licensing of barbers and barber colleges; establishing a barbering commission; defining the powers and duties of said commission; prescribing the functions of the county commission, the treasurer and the judge of probate relating to the barber commission; and providing penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 756, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 756. To the Committee on Local Legislation No. 2.

## FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H. B. 244.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 257. CONCERNING THE NATIONAL INTEREST LANDS IN ALASKA; REQUESTING THE PRESIDENT OF THE UNITED STATES AND MEMBERS OF THE UNITED STATES CONGRESS TO SUPPORT THE PASSAGE OF CERTAIN ALASKAN LANDS LEGISLATION CURRENTLY BEFORE CONGRESS.

Also:

H. J. R. 258. MOURNING THE DEATH OF JOSEPH GUY STRAHAN, PRAISING HIS WORKS, AND NAMING THE GAS FIELDS IN LAWRENCE AND FRANKLIN COUNTIES IN HIS HONOR.

Also:

H. J. R. 265. COMMENDING MORRIS MEADOR ON HIS INDUCTION INTO THE U.S.M. SPORTS HALL OF FAME.

Also:

H. J. R. 269. PROVIDING A COMMON DATE FOR HOLDING ELECTIONS ON ALL CONSTITUTIONAL AMENDMENTS PROPOSED AT THE 1980 REGULAR SESSION OF THE LEGISLATURE WHEN A DATE IS NOT OTHERWISE SPECIFIED.

Also:

H. J. R. 270. MOURNING THE DEATH OF MARTHA B. STEWART.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

RESOLUTION

Messrs. Martin, Higginbotham, Callahan, White, Goodwin, Keener, Weeks, Bailey, Barron, Britnell, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Gulledge, Hall, Harrison, Holmes, Kirkland, Lemaster, Little, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca and offered the following Senate Joint Resolution, to-wit:

S. J. R. 190. URGING IMMEDIATE CONGRESSIONAL ACTION TO PROVIDE A LEVEL OF FUNDING ADEQUATE TO THE NEEDS OF THE STATES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

WHEREAS, though aware that the State of Alabama stands not apart from its sister states in a constant and unrelenting erosion of its economy, the Alabama Legislature from personal viewpoint is painfully knowledgeable of Alabama's pressing need of adequate funds, not only to properly maintain existing roads and highways, but also to complete vital links in our nation's interstate highway systems; and

WHEREAS, even as inflation soars, highway funding at the federal level remains the same, and totally insufficient to the needs of the states; and

WHEREAS, the Federal Highway Administration faces a shortage of funds due to a cash flow problem created by large numbers of contractor estimates coming due during the months of June and July; and

WHEREAS, Congress must approve a supplemental appropriation of \$1.4 billion in order to alleviate this cash flow problem; and

WHEREAS, the delay in approving supplemental appropriation has in turn forced Alabama to delay awarding approximately \$80 million in desperately needed construction projects which are financed primarily with federal funds; and

WHEREAS, a further stay in approving supplemental appropriation may possibly force curtailment of construction projects previously awarded and on which work is currently progressing; and

WHEREAS, until supplemental appropriation is approved, Alabama can no longer move forward on projects scheduled for highway lettings in June and July; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the Alabama Congressional Delegation to use every effort available to have supplemental appropriation for the Federal Highway Administration approved as quickly as possible.

BE IT FURTHER RESOLVED, That the Secretary of the Senate, by copy of this resolution, notify each member of the Alabama Congressional Delegation of our urgent request for expediency in federal highway supplemental appropriation to the states.

On motion of Mr. Martin, the Rules were suspended and the Resolution was adopted by the Senate.

FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H. B. 244.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 115. The content of this bill and the certification herein provided shall be used hereafter to determine eligibility of departments for State support of all types.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Kelley:

H. 518. To amend Section 1 of Act No. 834, Acts of Alabama 1978 Regular Session, amending Section 39-2-12, Code of Alabama 1975, in order to add thereto definitions of words employed therein, to change the amount of retainage withheld, and to provide further for the methods and manner of investment and the administration of the investment of retainage held in escrow.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 518. To the Committee on Commerce, Transportation and Utilities.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Zoghby and Kennedy:

H. 1077. To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1077. To the Committee on Finance and Taxation.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Owens:

H. 432. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

Also:

By Rep. Owens:

H. 1033. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, as required by OMB Circulars A-95 and 102 engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of the Office of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain

all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Also:

By Rep. Smith (J):

H. 1001. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

Also:

By Rep. Owens:

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 432. To the Committee on Finance and Taxation.

H. B.'s 1033, 1001 and 1034. To the Committee on Governmental Affairs.

(The above numbered Bill, H.B. 1001, was read a first time at length as required by the Constitution.)

#### RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:



S. R. 191. MOURNING THE DEATH OF MR. ALBERT EDWARD KELLY, PROMINENT BREWTON, ALABAMA BANKER AND CIVIC LEADER.

Which was adopted.

FURTHER CONSIDERATION OF H.B. 244

The Senate proceeded to further consideration of the Bill, H.B. 244.

Mr. Goodwin moved that further consideration of the Bill, H.B. 244, be postponed until the next Legislative Day.

On motion of Mr. Keener, the motion to postpone was laid on the table.

Yeas 15; Nays 14.

Yeas:

Messrs.:	Hall	Kirkland	Pearson
Bailey	Harrison	Little	Robertson
deGraffenried	Holmes	Martin	St. John
Denton	Keener	Mitchem	Teague

—15

Nays:

Messrs.:	Cook	McDonald	Vacca
Barron	Goodwin	Proctor	Weeks
Britnell	Gulledge	Smith	White
Callahan	Higginbotham	Taylor	

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MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts ten acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 412 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 1st day of May, 1980.

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 412 without my signature and approval and with the following suggested Executive Amendment.

On Page 1, in the Title, Line 25, delete the word "ten" and insert in lieu thereof the word "five".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

FOB JAMES.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being; Yeas 66, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 63; Nays 0.

And said Bill, H. 412, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H.B. 412, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Martin	St. John
Barron	Hall	McDonald	Taylor
Britnell	Holmes	Mitchem	Teague
Clemon	Keener	Parsons	Weeks
Cook	Little	Robertson	White

—19

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 412, as thus amended by the Executive Amendment, was again read at length and passed.

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Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Taylor	
Barron	Hall	McDonald	Teague	
Britnell	Holmes	Mitchem	Vacca	
Cook	Keener	Parsons	Weeks	
deGraffenried	Lemaster	Robertson	White	
Denton	Little	St. John		—0

which was a majority of the whole number elected to the Senate.

FURTHER CONSIDERATION OF H. B. 244

The Senate proceeded to further consideration of the Bill, H.B. 244.

Mr. White moved that further consideration of the Bill, H.B. 244, be postponed until this evening at 7 o'clock P.M.

Mr. Keener moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 15; Nays 17.

*Yeas:*

Messrs.:	Denton	Keener	Parsons	
Bailey	Hall	Kirkland	Pearson	
Clemon	Harrison	Little	Robertson	
deGraffenried	Holmes	Mitchem	Smith	—15

*Nays:*

Messrs.:	Goodwin	McDonald	Taylor	
Barron	Gulledge	Miller	Vacca	
Britnell	Higginbotham	Proctor	Weeks	
Callahan	Lemaster	St. John	White	
Cook	Martin			—17

The question then recurred on the motion of Mr. White.

Mr. Keener offered a substitute motion that further consideration of the Bill, H.B. 244, be postponed until this evening at 6 o'clock P.M.

On motion of Mr. White, said motion to postpone was laid on the table.

*Yeas:*

Messrs.:	Goodwin	McDonald	Taylor	
Barron	Gulledge	Miller	Vacca	
Britnell	Higginbotham	Proctor	Weeks	
Callahan	Lemaster	Smith	White	
Cook	Martin			—17

*Nays:*

Messrs.:	Figures	Keener	Parsons	
Bailey	Hall	Kirkland	Pearson	
Clemon	Harrison	Little	Robertson	
deGraffenried	Holmes	Mitchem	St. John	
Denton				—16

The question again recurred on the motion of Mr. White that further consideration of the Bill, H.B. 244, be postponed until the evening at 7 o'clock P. M., which motion was adopted.

## RESOLUTION

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 192. RESOLVED BY THE SENATE That the following bills in the order named be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-seventh legislative day only:

Bill No.	Page No.	Description
H. B. 84	91	Cigarettes
H. B. 523	119	To raise add. tax, AL Bev. Control Bd.
H. B. 815	125	To make further approp. of state funds
H. B. 534	119	To make approp. for support and main. of Military Inst.
H. B. 535	128	To make approp. for supp. and main. of Lyman Ward Military Acad.
H. B. 536	128	To make approp. for supp. and main. of Talladega College
H. B. 537	127	Approp. for supp. and main. Walker Co. Jr. Col.
H. B. 538	127	Approp. for supp. and main. Tuskegee Inst.
S. B. 590	115	Ins. for Deaf and Blind
S. B. 357	116	AL. Housing Finance Auth.
S. B. 234	42	Meetings, forbid secret or executive
S. B. 179	123	Ed., county or city bds., int. Rates
S. B. 463	79	Forest burning permits
S. B. 305	86	Attorney, power, acknow. death prin.
S. B. 496	77	Ed., dis. det. div., merit sys.
S. B. 563	125	Deputy Sheriffs min. salary
S. B. 115	103	LEO, Guaranteed Min. Wage
S. B. 525	121	Alcoholic Bev., option elections
S. B. 512	73	Banks, holiday closing Mem. Day
S. B. 213	113	Firefighters, stds. ed. comm.
S. B. 374	29	Mobile Homes, uniform stds. act
S. B. 375	30	Ins. Comm., Neg. Acts.
S. B. 376	31	Ins., Surplus line brokers
S. B. 141	28	Ins., Exam., Certain Exempt Outside st.
S. B. 370	94	Solar Energy, Tax credit
S. B. 371	95	Solar Energy, passive usage, tax credit

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S. B. 546	111	Auctioneer, Lic.
S. B. 418	105	Alimony, Remarriage or live-ins, term.
S. B. 578	126	Court Costs in civil or criminal cases
S. B. 373	63	Env. Serv. Dept. Surface Mining
S. B. 554	83	Municip. class 5' Incorpor. a port auth.
S. B. 562	95	Agr. Fairs Comm. per diem exp.
S. B. 592	130	Relating to class 3 Muni.
S. B. 134	7	Ins. Stock and Mutual, Treated Equally
S. B. 444	47	Tax Assessor and Tax Collector Fee Sch.
S. B. 325	54	Torts "Good Samaritan Act".
S. B. 140	11	Ins. False Statements Venue Mgt. Co.
S. B. 473	102	Aged & Blind, 30% on utility bills
S. B. 219	93	Military, Ret. Income, exempt.
S. B. 475	89	AL. Unempl. Comp. Act, Incr. ben.
S. B. 308	47	Savings & Loan Assoc. Int.
S. B. 192	4	Empl's Moving exp., inc.
S. B. 364	65	Public Warehouses
S. B. 245	33	AL. Student Loan Auth.
S. B. 559	109	Barbers, Lic. by Bd. of Cosmetology
S. B. 215	31	Ins. Exam.
S. B. 531	90	Fire Systems, Installers Regu.
S. B. 186	9	Juvenile, garnishment of parent earnings
S. B. 365	76	LEO, prohibit strikes
S. B. 231	62	Unempl. comp. act., am'd
S. B. 446	85	Deceptive Trade Practices Act
S. B. 195	62	Unempl. Comp. Act, int. rate
S. B. 149	124	SETF, Distr. of Funds to Replace Fees

Mr. Hall offered the following amendment to the Resolution, S.R. 192, to-wit:

AMENDMENT TO S.R. 192

Amend S.R. 192 by deleting S.B. 373

On motion of Mr. McDonald, said amendment was laid on the table.

And on motion of Mr. McDonald, said Resolution, S.R. 192, was then adopted by the Senate.

## BILLS ON THIRD READING RESUMED

On motion of Mr. Callahan, the Rules were suspended and the Bill:

S. 382. To amend Section 18-1-17 of the Code of Alabama 1975 relating to assessment of damages and compensation in certain eminent domain proceedings so as to prescribe procedure for assessing damages and awarding compensation on properties that have been damaged by certain natural disasters.

was taken up.

On motion of Mr. Callahan, further consideration of the Bill, S.B. 382, was postponed temporarily.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Greer:

H. 125. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 125. To the Committee on Judiciary.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Hines:

H. 909. To amend further section 40-20-2 of the Code of Alabama 1975 relating to severance taxes on the production of oil and gas so as to provide further for the rate of such taxes on the production of oil and gas from certain wells in the snackover formation.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 909. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Carothers:

H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 937. To the Committee on Finance and Taxation.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H.B. 84, to-wit:

COMMITTEE AMENDMENT TO HOUSE BILL 84

In the Synopsis, page 1, line 9, strike the words and numbers "six cents (6¢)" and insert in lieu thereof:

four cents (4¢)

In Section 1 (a), page 2, delete lines 9 through 13 entirely and insert in lieu thereof:

On each package of cigarettes containing twenty cigarettes or less, four cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, eight cents; and on each package of cigarettes containing more than forty cigarettes, ten cents.

Mr. Kirkland offered the following substitute amendment for the Committee amendment to the Bill, H. B. 84, to-wit:

SUBSTITUTE AMENDMENT FOR COMMITTEE AMENDMENT TO  
HOUSE BILL 84

In the Synopsis, page 1, line 9, strike the words and numbers "six cents (6¢)" and insert in lieu thereof:

five cents (¢)

In Section 1 (a), page 2, delete lines 9 through 13 entirely and insert in lieu thereof:

On each package of cigarettes containing twenty cigarettes or less, five cents; on each package of cigarettes containing more than twenty but not exceeding forty cigarettes, ten cents; and on each package of cigarettes containing more than forty cigarettes, thirteen cents.

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 25; Nays 7.

*Yeas:*

Messrs.:	Denton	Keener	St. John	
Bailey	Figures	McDonald	Smith	
Britnell	Goodwin	Miller	Taylor	
Callahan	Gulledge	Mitchem	Teague	
Clemon	Harrison	Parsons	Vacca	
Cook	Higginbotham	Pearson	White	
deGraffenried	Holmes			—25

*Nays:*

Messrs.:	Hall	Lemaster	Proctor	
Barron	Kirkland	Little	Robertson	—7

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Waggoner:

H. 843. To provide for the appointment and removal of bank investigators by the governor and to specify the powers of bank investigators and the responsibilities of the employing bank.

Also:

By Rep. Sasser:

H. 202. To amend Section 12-16-100 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

Also:

By Rep. Lewis:

H. 4. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.



Also:

By Rep. Sasser:

H. 201. To amend Section 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 843. To the Committee on Banking and Insurance.

H. B.'s 202, 4 and 201. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Gregg, Hall, Albright, Smith (M), Smith (J) and Greer:

H. 780. To amend Section 8-1-81 of the Code of Alabama 1975, which relates to the sale of pledges by pawnbrokers, so as to provide that such sales may be by either public auction or private sale.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 780. To the Committee on Judiciary.

#### FURTHER CONSIDERATION OF H.B. 84

The Senate proceeded to further consideration of the Bill, H.B. 84. The question was on the Committee amendment to the Bill, H.B. 84.

On motion of Mr. Pearson, further consideration of the Bill, H.B. 84, and pending amendment, was postponed temporarily in order that H.B. 523 could be considered.

The Bill:

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

was taken up.

Mr. Goodwin offered the following substitute for the Bill, H.B. 523, to-wit:

SUBSTITUTE FOR H. 523

A BILL  
TO BE ENTITLED  
AN ACT

To raise revenue; to amend Sections 40-23-2, 40-23-35, 40-23-61 and 40-23-85, Code of Alabama 1975, as amended, which relate to the state sales and use tax, so as to provide for a 25% increase in such taxes; to provide that the proceeds thereof shall be deposited in the state general fund; and to provide that the provisions of this Act shall be effective July 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-2, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

§ 40-23-2. Tax levied on gross receipts.

There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm or corporation, including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions, engaged or continuing within this state in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden, an amount equal to four five percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment; billiard and poolrooms; bowling alleys; amusement devices; musical devices; theaters; opera houses; moving picture shows; vaudeville; amusement parks; athletic contests, including wrestling matches, prizefights, boxing and wrestling exhibitions, football and baseball games, including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denomina-

tional, a state, county or a municipal institution or association or a state, county or city school, or other institution, association or school; skating rinks; race tracks; golf courses; or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places and public dance halls of every kind and description within the state of Alabama, an amount equal to four five percent of the gross receipts of any such business.

(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half seven-eighths (1.875%) percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to one and one-half seven-eighths (1.875%) percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer or house trailer; provided, that where a person subject to the tax provided for in this subdivision withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three three and 3/4 (3.75) percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business.

Section 2. Section 40-23-35, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

Section 40-23-35. Disposition of revenues from tax.

Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this

division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. Twenty percent (20%) of the amount remaining after payment of expenses shall be credited to the state general fund. After the payment of the expenses, and the twenty percent (20%) to the state general fund, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the state board of health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00, then an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the state department of

public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition, there shall be paid on October 1, 1973, and on the first day of each fiscal quarter thereafter, to each county governing body electing to come under the food stamp program as may be authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to four percent of the value of coupons issued in such county in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be a reimbursement to the general fund of such county and shall in no event exceed the cost expended by such county for administration of such program during such prior fiscal quarter. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as herein provided shall be paid into the Alabama special educational trust fund. In this division, "general welfare purposes" means:

(1) The administration of the public assistance as set out in sections 38-2-5 and 38-4-1;

(2) Services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;

(3) Services to and on behalf of dependent, neglected or delinquent children; and

(4) Investigative and referral services to and on behalf of needy persons.

Section 3. Section 40-23-61, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

§ 40-23-61. Property taxed; persons liable.

(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four five percent of the sales price of such property, except as provided in subsections (b) and (c) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half seven-eighths (1.875%) percent of the sales price of any such machine; provided, that the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of one and one-half seven-eighths (1.875%) percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this section apply.

Section 4. Section 40-23-85, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

Section 40-23-85. Disposition of funds derived from tax.

All taxes, fees, interest or penalties imposed and all amounts of tax herein required to be paid to the state under this article must be paid to the department of revenue at Montgomery, Alabama, with remittance payable to the treasurer of Alabama. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and the management of the said department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to section 40-23-61; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. Twenty percent (20%) of the balance of the tax collected under and pursuant to said section 40-23-61 shall remain in the state treasury to the credit of the state general fund and eighty percent (80%) to the credit of the Alabama special educational trust fund and shall be withdrawn as other moneys in said fund.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective on July 1, 1980.

Mr. Pearson offered the following amendment to the substitute for the Bill, H.B. 523, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. 523

On page 4, line 6, delete the words "one-half seven-eighths (1.875%)" and insert in lieu thereof the following: one half

On page 5, after line 8, add the following:

(6) Provided, however, the gross proceeds of sales of food purchased for human consumption that will be prepared and consumed off the premises of the seller (not to include any alcoholic beverages) and prescription drugs shall be taxed at 4%.

On page 9, lines 27-28, delete the words "one-half seven-eighths (1.875%)" and insert in lieu thereof the following: one half

On page 10, after line 25, add the following:

(f) Provided, however, the gross proceeds of sales of food purchased for human consumption that will be prepared and consumed off the premises of the seller (not to include any alcoholic beverages) and prescription drugs shall be taxed at 4%.

Which was adopted.

By unanimous consent, the names of Messrs. St. John, White, Teague, Holmes, McDonald, Little, Denton, Goodwin, Miller, Mitchem, Kirkland, Keener, Figures, Hall, Parsons and Martin were added as co-sponsors of the above amendment.

On motion of Mr. White, further consideration of the Bill, H.B. 523, and pending substitute, as amended, was postponed as Unfinished Business.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 412. To amend Section 22-26-7 of the Code of Alabama 1975, relating to certain land subdivided for single family residences so as to provide that where said land is subdivided into parcels containing any tracts five acres in size and larger, such size tracts shall not be subject to the requirement of taking a percolation test.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

JOHN W. PEMBERTON,  
Clerk.

## FURTHER CONSIDERATION OF H.B. 84

The Senate proceeded to further consideration of the Bill, H.B. 84. The question was on the Committee amendment to the Bill, H.B. 84.

And said amendment was then adopted by the Senate.

Yeas 30; Nays 4.

*Yeas:*

Messrs.:	Glass	Lemaster	St. John	
Bailey	Goodwin	Martin	Smith	
Britnell	Gulledge	McDonald	Taylor	
Clemon	Harrison	Miller	Teague	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Kirkland	Proctor		—30

*Nays:*

Messrs.:	Hall	Little	Robertson	
Barron				—4

And said Bill, H.B. 84, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 13.

*Yeas:*

Messrs.:	Hall	Miller	Taylor	
Britnell	Kirkland	Mitchem	Teague	
Clemon	Lemaster	Pearson	Vacca	
deGraffenried	Little	Proctor	Weeks	
Denton	McDonald	Smith	White	
Figures				—20

*Nays:*

Messrs.:	Goodwin	Keener	Robertson	
Bailey	Gulledge	Martin	St. John	
Barron	Harrison	Parsons		—13
Callahan	Holmes			
Cook				



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Mr. Teague moved that the Senate reconsider the vote by which the Bill, H.B. 84, was passed.

FURTHER CONSIDERATION OF S.B. 382

The Senate proceeded to further consideration of the Bill, S.B. 382.

And said Bill, S.B. 382, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Robertson
Bailey	Goodwin	McDonald	St. John
Britnell	Gulledge	Miller	Taylor
Callahan	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures			—28

*Nays:* —0

On motion of Mr. Callahan, Rule 35 was suspended to allow transmittal to the House of the above Bill.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Gafford:

H. 686. To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 686. To the Committee on Judiciary.

(The above numbered Bill, H.B. 686, was read a first time at length as required by the Constitution.)

BILLS ON THIRD READING RESUMED

The hour of 7 o'clock having arrived the Bill:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on

which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

was again taken up.

Mr. Weeks moved that further consideration of the Bill, H.B. 244, be postponed until the Twenty-Ninth Legislative Day.

On motion of Mr. Keener, the motion to postpone was laid on the table.

Mr. Keener then offered the following amendment to the Bill, H.B. 244, to-wit:

#### AMENDMENT TO H. B. 244

Amend House Bill No. 244, Page 1, Lines 21, 22 and 23 by striking out on line 21 the following "This amendment will have the effect of protecting" and striking out all of lines 22 and 23.

Which was adopted.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Holmes	Miller
Bailey	Denton	Keener	Pearson
Barron	Glass	Kirkland	St. John
Britnell	Goodwin	Lemaster	Taylor
Callahan	Gulledge	Little	Teague
Clemon	Hall	Martin	Vacca
Cook	Harrison	McDonald	White

—27

*Nays:*

—0

On motion of Mr. Keener, the Rules were suspended and further consideration of the Bill, H.B. 244, as amended, was postponed until the Twenty-Ninth Legislative Day at 3 o'clock P.M., at which time a final vote will be taken on said Bill.

#### FURTHER CONSIDERATION OF H.B. 523

The Senate proceeded to further consideration of the Bill, H.B. 523. The question was on the substitute, as amended.

On motion of Mr. McDonald, further consideration of the Bill, H.B. 523, and pending substitute, was postponed until the next Legislative Day.

#### INTERIM COMMITTEE REPORT FILED

Pursuant to the provisions of Act No. 79-550, the report of the Committee on Municipal Government in Alabama was read and ordered filed with the Secretary.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 815. To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

was read a third time at length and passed.

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Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Proctor
Bailey	Hall	McDonald	Robertson
Britnell	Harrison	Miller	St. John
Clemon	Holmes	Mitchem	Taylor
deGraffenried	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	White
Goodwin			

—24

*Nays:* —0

The Bill:

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

was read a third time at length and passed.

Yeas 25; Nays 2.

*Yeas:*

Messrs.:	Gulledge	McDonald	Robertson
Callahan	Hall	Miller	Smith
Clemon	Holmes	Mitchem	Taylor
deGraffenried	Kirkland	Parsons	Teague
Denton	Lemaster	Pearson	Vacca
Glass	Little	Proctor	Weeks
Goodwin	Martin		

—25

*Nays:* Messrs.: Barron and Harrison. —2

The Bill:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

was read a third time at length and passed.

Yeas 25; Nays 2.

*Yeas:*

Messrs.:	Gulledge	Martin	Proctor
Callahan	Hall	McDonald	Robertson
Clemon	Holmes	Miller	St. John
Cook	Keener	Mitchem	Smith
deGraffenried	Kirkland	Parsons	Taylor
Denton	Lemaster	Pearson	Vacca
Goodwin	Little		

—25

*Nays:* Messrs.: Barron and Harrison —2

The Bill:

H. 536. To make appropriations for the support and maintenance of the Talladega College.

was read a third time at length and passed.

Yeas 30; Nays 2.

Yeas:

Messrs.:	Goodwin	Martin	St. John
Bailey	Gulledge	McDonald	Smith
Callahan	Hall	Miller	Taylor
Clemon	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Denton	Lemaster	Proctor	White
Glass	Little	Robertson	

—30

Nays: Messrs.: Barron and Harrison.

—2

The Bill:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

was read a third time at length and passed.

Yeas 28; Nays 2.

Yeas:

Messrs.:	Goodwin	McDonald	St. John
Bailey	Hall	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
Clemon	Keener	Parsons	Teague
Cook	Kirkland	Pearson	Vacca
deGraffenried	Little	Proctor	Weeks
Denton	Martin	Robertson	White
Glass			

—28

Nays: Messrs.: Barron and Harrison.

—2

The Bill:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

was read a third time at length and passed.

Yeas 29; Nays 2.

Yea:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Higginbotham	Miller	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Robertson	White
Glass	Lemaster		

—29

Nays: Messrs.: Barron and Harrison.

—2

The Bill:

S. 590. To amend Section 1 of Act No. 587, S. 659, Regular Session 1978 (Acts of Alabama 1978, p. 691) making an appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes so as to provide that certain funds may be transferred to the general fund of the Alabama Institute for the Deaf and Blind and may be expended for purposes other than capital outlay purposes.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 28; Nays 0.

Yeas:

Messrs.:	Goodwin	Lemaster	Robertson
Bailey	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Higginbotham	Miller	Taylor
Clemon	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
Denton	Kirkland	Pearson	Weeks
Glass			

—28

Nays:

—0

On motion of Mr. Teague, Rule 35 was suspended to allow transmittal to the House of the above Bill.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bennett and Amari:

H. 19. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 19. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Shoemaker and Kelley:

H. 310. To amend Sections 25-8-2, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

Also:

H. 189. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Homes Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

Also:

By Rep. Cabaniss:

H. 185. To amend Section 27-12-7, Code of Alabama 1975, so that any statement which, under the law, is required to be made to the Commissioner of Insurance under oath, is willfully and falsely made, the penalty shall be a felony; and to provide the venue for the prosecution of this crime shall be Montgomery County, if the statement under oath was required to be filed with the Commissioner.

Also:

By Rep. Cabaniss:

H. 178. To amend § 27-2-16, Code of Alabama 1975 so as to repeal a requirement the Commissioner of Insurance publish an annual list of insurance agents and insurers.

Also:

By Rep. Cabaniss:

H. 179. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 310. To the Committee on Judiciary.

H. B. 189. To the Committee on Commerce, Transportation and Utilities.

H. B.'s 185, 178 and 179. To the Committee on Banking and Insurance.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Venable:

H. 209. To amend Section 14-11-8, Code of Alabama 1975, which provides for introduction into or possession in penal institutions of drugs so as to make the introduction of marijuana a felony.

Also:

By Reps. Shoemaker and Dial:

H. 813. To amend Act No. 247 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, Vol. I, pp. 585-586) providing for a Telephone Revolving Fund in the Department of Finance, Division of Service, to be used to pay for the expenses of administering, maintaining and operating the State Central Telephone System in the City of Montgomery and the Alabama Centralized Telecommunications System in the State of Alabama and providing that each State department, board, bureau, commission, agency and institution using the aforesaid telephone systems shall pay its pro rata share of the aforesaid expenses.

Also:

By Rep. Shoemaker and Dial:

H. 814. To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Act 1957, Vol. II, pp. 797-798) to authorize the Department of Finance, Division of Service Mail and Supply Room Revolving Fund to be used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 209. To the Committee on Judiciary.

H. B. 813. To the Committee on Governmental Affairs.

H. B. 814. To the Committee on Finance and Taxation.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Stout:

H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read and referred to appropriate Standing Committee, as follows:

H. B. 555. To the Committee on Governmental Affairs.

## BILLS ON THIRD READING RESUMED

The Bill:

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of owner-occupied, single family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests on such single family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust,



or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues derived from or referable to any notes or other instruments purchased by the Authority, loans made to mortgage lenders and from any of its other property; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; and to provide for the disposition of the earnings, if any, of the Authority.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S.B. 357, to-wit:

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income

families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative Findings and Declaration of Purpose. It is hereby found and declared that from time to time there has existed and at the present time there exists an inadequate supply of funds at interest rates sufficiently low to enable the financing of safe and sanitary single and multi-family dwelling units for citizens of this State with low and moderate income; that the inability to finance such single and multi-family dwelling units results in an inability of builders to construct such housing causing unemployment or underemployment in the housing construction and related businesses and

causes a lack of safe and sanitary housing to be available to persons of low and moderate income; that such unemployment or underemployment in the housing construction and related businesses and an inadequate supply of safe and sanitary housing for persons of low and moderate income wastes human resources, increases the public assistance burden of the State, impairs the security of family life, impedes the economic and physical development of the State, adversely affects the welfare and prosperity of all of the people of the State and accordingly creates and fosters conditions adverse to the general health and welfare of the citizens of the State; that the making available in the manner provided in this Act of a more adequate supply of funds at interest rates sufficiently low to enable the financing of safe and sanitary single and multi-family dwelling units for citizens of low and moderate income will result in the alleviation or reduction of the adverse consequences which have resulted and may result from continued unemployment and underemployment in the housing construction and related businesses and the inadequate supply of such housing for persons of low and moderate income. It is hereby further found and determined that the conditions adverse to the general health and welfare of the citizens of the State as noted above can best be solved by a cooperative effort as provided herein between the Authority acting on behalf of the State and those engaged in the business of making mortgage loans and such is the purpose of this Act and it is not the intent of the legislature that the Authority have the power to make direct loans to individuals or to acquire or construct housing units for lease or sale or that the Authority have urban development or slum clearance functions, although its functions under this Act are expected to be complementary to and supportive of those functions.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Authority" means the public corporation organized pursuant to the provisions of this Act.

"Authorized Investments" means bonds or other obligations of or guaranteed by, the United States of America or the State, or interest bearing bank and savings and loan association deposits, or any thereof.

"Bonds" means and shall include bonds or other securities representing an obligation to pay money.

"Board of Directors" means the Board of Directors of the Authority.

"Eligible Housing Unit" means real and personal properties located in the State constituting a single or multi-family dwelling unit for occupancy by Low and Moderate Income Families.

"Low and Moderate Income Families" means persons and families of one or more persons, irrespective of race, creed, national origin or sex, determined by the Authority to require such assistance as is made available by this Act on account of insufficient personal or family income taking into consideration, without limitation, such factors as follows: (a) the amount of the total income of such persons and families available for housing needs, (b) the size of the family, (c) the cost and condition of housing facilities available, (d) the ability of such persons and families to compete successfully in the normal private housing market and to pay the amounts at which private enterprise is providing sanitary, decent and safe housing, and (e) if appropriate, standards established for various Federal programs with respect to housing determining eligibility based on income of such persons and families.

"Mortgage Lenders" means national banking associations, banks chartered under the laws of the State, savings or building and loan associations chartered under the laws of the State or of the United States of America, Federal National Mortgage Association approved mortgage bankers, and Federal or State credit unions, and shall include other financial institutions or governmental agencies which customarily originate or service Mortgage Loans and Mortgages.

"Mortgage Loans" means notes and other evidences of indebtedness secured by Mortgages.

"Mortgaged Property" means all properties, real, personal and mixed, and all interests therein including grants or subsidies with respect thereto, mortgaged, pledged or otherwise provided in any manner as security for (i) Mortgage Loans or (ii) loans to Mortgage Lenders.

"Mortgages" means mortgages, deeds of trust and other instruments granting security interests in real and personal properties constituting Eligible Housing Units.

"Multi-Family Mortgage Loans" means mortgages on Eligible Housing Units constituting residential dwelling units leased to or occupied by more than one family unit.

"Single Family Mortgage Loans" means mortgages on Eligible Housing Units constituting residential dwelling units occupied as the principal residence of the owner mortgagor by a single family unit, including, without limitation, detached single family houses, attached single family houses or townhouses, and condominium units within larger structures.

"State" means the State of Alabama.

Section 3. Use of Phrases. The following provisions shall be applied wherever appropriate herein:

"Herein", "hereby", "hereunder", "hereof", and other equivalent words refer to this Act as an entirety and not solely to the particular section or portion thereof in which any such word is used.

The definitions set forth in Section 2 hereof shall be deemed to include both singular and plural and to cover all genders.

Section 4. Incorporation of the Authority Authorized.

(a) The five persons initially designated by the Governor as members of the Authority may become a corporation with the power and authority hereinafter provided by proceeding according to the provisions of this Act. To become a corporation, the persons so designated shall present to the Secretary of State of the State an application signed by them which shall state:

(1) That the applicants propose to incorporate the Authority pursuant to this Act;

(2) The name and official residence of each of the applicants;

(3) The date on which each applicant was appointed as a member by the Governor and the expiration date of the term for which he was appointed;

(4) The name of the proposed corporation, which shall be "Alabama Housing Finance Authority";

(5) The location of the principal office of the proposed corporation, which shall be in the City of Montgomery; and

(6) Any other matter relating to the Authority which the applicants may choose to insert and which is not inconsistent with this Act or the laws of the State.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgments to deeds. The Secretary of State shall examine the application, and if the Secretary of State finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

(c) When the application has been made, filed and recorded as above provided, the applicants shall constitute a corporation under the name stated in the application, and the Secretary of State shall make and issue to the applicants a certificate of incorporation pursuant to this Act, under the great seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the Authority.

Section 5. Members, Officers, and Directors; Meetings of Board of Directors; Record of Proceedings; Copies of Proceedings as Evidence; Members, Officers and Directors not Personally Liable. (a) The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall, as soon as convenient after passage of this Act, appoint the initial five members of the Authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member or successor shall be a citizen of the State, of good reputation and at the time of their appointment one of such members shall be engaged in the business of home building, one shall be a licensed real estate broker, one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of a Mortgage Lender, one shall be an elected commissioner of a county in the State, and one shall be an elected mayor of a municipality in the State. The members first appointed shall be appointed for terms of one, two, three, four and five years respectively, and the Governor in the appointment shall designate the expiration date of the term of the member. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of five years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the Authority may be impeached or removed from office in the same manner and on the same grounds as provided in Section 175 of the Constitution of Alabama and the general laws of the State relating to the impeachment and removal of public officers.

(b) The members of the Authority shall constitute all the members of the Board of Directors of the Authority, in which all powers of the Authority shall be vested, and any three members of the Board of Directors shall constitute a quorum for the transaction of business.

(c) The Board of Directors shall elect from among its members, a Chairman, a Vice-Chairman, a Secretary, a Treasurer and such other officers as it may determine. The Board of Directors may also elect an Assistant Secretary and an Assistant Treasurer, who need not be members of the Board of Directors.

(d) Regular meetings of the Board of Directors shall be held at such time and place as shall be fixed by resolution of the Board of Directors and special meetings of the Board of Directors shall be held at the call of the Chairman or whenever two members of the Board of Directors so request. Any action taken by the Authority under the provisions of this Act may be authorized by resolution approved by at least three of the directors present at any regular or special meeting. No member, officer or director of the Authority shall receive any salary therefor, but he may be reimbursed for necessary travel and the reasonable expenses of performing the duties of office. All proceedings had and done by the Board of Directors shall be reduced to writing by the Secretary or Assistant Secretary of the Authority, shall be signed by at least three directors and shall be recorded in a substantially bound book and filed in the office of the Authority. Copies of such proceedings, when certified by the Secretary or Assistant Secretary of the Authority under the seal of the Authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.

(e) No member, officer, director or employee shall be personally liable for the obligations or acts of the Authority.

(f) The Board of Directors shall appoint an Advisory Committee of representatives from the housing finance industry to provide recommendations to the Board concerning efficient operation of the Authority. The Advisory Committee shall present recommendations concerning management of the Authority, allocation and processing of funds, the handling and servicing of mortgages made under this program, and other matters as directed by the Board. The Advisory Committee shall consist of ten members who are resident citizens of Alabama. Two members of the committee shall be actively engaged in the savings and loan association business; two shall be actively engaged in the home building business; two shall be actively engaged in the mortgage banking business; two shall be realtors; one shall be an elected commissioner of a county in the State; and one shall be an elected mayor of a municipality in the State. The Advisory Committee shall serve at the pleasure of the Board of Directors.

Section 6. Powers of the Authority. The Authority shall have the following powers:

(1) To have succession by its corporate name until the principal of and interest on the Bonds shall have been fully paid and until it shall have been dissolved as provided in Section 20 hereof;

(2) To sue and be sued and to prosecute and defend in any court having jurisdiction of the subject matter and of the parties thereto;

(3) To adopt and use a corporate seal and to alter the seal at pleasure;

(4) To establish a fiscal year;

(5) To maintain an office in the City of Montgomery;

(6) To adopt, and from time to time amend and repeal, bylaws and rules and regulations, not inconsistent with this Act, to carry into effect the powers and purposes of the Authority in the conduct of its business;

(7) To purchase Mortgage Loans from Mortgage Lenders;

(8) To contract with Mortgage Lenders for the origination of or the servicing of Mortgage Loans to be made by such Mortgage Lenders and the servicing of the Mortgages securing such Mortgage Loans;

(9) To make loans to Mortgage Lenders, provided that (i) the proceeds of such loans shall be required to be used by such Mortgage Lenders for the making of Mortgage Loans, and (ii) the Mortgages in connection with the Mortgage Loans so made, together with any additional security required by the Authority, shall be mortgaged, pledged, assigned or otherwise provided as security for such loans to Mortgage Lenders;

(10) To exercise any and all rights accorded to the owner and holder of a Mortgage under and in accordance with the terms of said instruments and the applicable laws of the State with respect to the Mortgage Property, directly or through Mortgage Lenders or others acting on behalf of the Authority or on behalf of the holders of its Bonds, including, but without limitation, the power to foreclose, to sell the equity of redemption, to purchase the equity of redemption and otherwise to sell and dispose of the Mortgaged Property, all as shall seem in the best interests of the Authority and the holders of its Bonds;

(11) To sell and issue Bonds in order to provide funds for any corporate function, use or purpose;

(12) To mortgage, pledge, assign or grant security interests in any or all of its Mortgage Loans, Mortgages and its interests created thereby in the underlying real and personal properties covered by such Mortgages as security for the payment of the principal of and interest on any Bonds issued by the Authority, or as security for any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues from which said Bonds are payable as security for the payment of the principal of and interest on said Bonds and any agreements made in connection therewith;

(13) To establish such reserves from the proceeds of any issue of Bonds or from revenues of the Authority as the Board of Directors shall determine to be necessary and desirable in connection with the payment and retirement of the Bonds of the Authority or in connection with any other purpose, power or function of the Authority;

(14) To execute and deliver, in accordance with the provisions of this section and of Section 8 hereof, mortgages and deeds of trust and trust indentures, or either;

(15) To appoint, employ, contract with, and provide for the compensation of, such employees, attorneys, fiscal advisors, and agents as the business of the Authority may require;

(16) To provide for such insurance as the Board of Directors may deem advisable, including, but without limitation, casualty insurance, mortgage payment guarantee insurance and bond insurance;

(17) To invest in Authorized Investments any funds of the Authority that the Board of Directors may determine are not presently needed for other uses, purposes or functions of the Authority;

(18) To enter into a management agreement or agreements with any person, firm or corporation for the performance by said person, firm or corporation for the Authority of any of its functions or powers upon such terms and conditions as may be mutually agreeable;

(19) To sell, exchange and convey any or all of its properties whenever its Board of Directors shall find any such action to be in furtherance of the purposes for which the Authority was organized; and

(20) To make, enter into and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or desirable to accomplish any purpose for which the Authority is organized or to exercise any power granted hereunder.

Section 8. Bonds of the Authority.

(a) General. The Authority may from time to time issue its negotiable Bonds in such principal amounts as, in the opinion of the Authority, shall be necessary to provide sufficient funds for achieving the corporate purposes thereof, the payment of interest on Bonds of the Authority, establishment of reserves to secure such Bonds and all other expenditures of the Authority incident to and necessary or convenient to carry out its corporate purposes and powers.

(b) Sources of Payment. Bonds issued by the Authority shall be payable solely out of revenues or property of the Authority specified in the resolutions authorizing the issuance of such Bonds. To the extent permitted by any contracts with the holders of outstanding Bonds and any other contractual obligations or requirements, the Authority may pledge any or all of its revenues or mortgage or assign any or all of its assets (whether real or personal and whether tangible or intangible) to secure the payment of any of its Bonds.

Revenues and property out of which Bonds may be payable shall include, without limitation, (i) payments of principal, interest, premiums and penalties in respect to Mortgage Loans, loans to Mortgage Lenders, Mortgages and Mortgaged Property, (ii) proceeds referable to the foreclosure of Mortgages or otherwise realizing, by any and all means, upon any Mortgaged Property, (iii) payments made in redemption of the equity of such Mortgages or similar payments with respect to any redemption of Mortgaged Property, (iv) proceeds from the leasing or sale of property which was formerly Mortgaged Property and which was acquired in the process of enforcing Mortgage Loans or loans to Mortgage Lenders, (v) proceeds from the sale of Mortgage Loans, loans to Mortgage Lenders, Mortgages and Mortgaged Property, (vi) insurance proceeds referable to Mortgage Loans, loans to Mortgage Lenders, Mortgages and Mortgaged Property, including, but without limitation, proceeds from casualty insurance and mortgage payment guarantee insurance, (vii) proceeds from bond insurance, (viii) grants or subsidies available in connection with any of the foregoing, or (ix) any of the foregoing sources of revenues as may be designated in the proceedings of the Board pursuant to which the Bonds shall be authorized to be issued.

(c) Pledge of Revenues and Other Security. The principal of and interest on any Bonds issued by the Authority may be secured by a pledge of the revenues out of which the same are payable and may be secured by a trust indenture evidencing such pledge or by a foreclosable mortgage and deed of trust conveying as security for such Bonds all or any part of the property of the Authority from which the revenues so pledged may be derived. The resolution under which the Bonds are authorized to be issued or any such trust indenture or mortgage may contain any agreements and provisions respecting the maintenance and insurance of the property covered by such trust indenture or mortgage, the use of the revenues subject to such trust indenture or mortgage, the creation and maintenance of special funds from such revenues, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the Authority shall deem advisable and which are not in conflict with the provisions of this Act.



(d) Execution. All Bonds issued by the Authority shall be signed by the Chairman or Vice Chairman of its Board of Directors and attested by its Secretary or Assistant Secretary and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds of the Authority shall be signed by the Chairman or Vice Chairman of its Board of Directors; provided, that a facsimile of the signature of either the signing or the attesting officer, but not both, may be printed or otherwise reproduced on any such Bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of the Chairman or Vice Chairman of the Board of Directors may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(e) General Provisions Respecting Form, Interest Rate, Maturities, Sale and Negotiability of Bonds. Any such Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denomination or denominations and of such tenor and maturity or maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable at such place or places, either within or without the State, and evidenced in such manner, as may be provided by resolution of the Board of Directors. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. All Bonds of the Authority (including refunding Bonds), except Bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(f) No State Debt or Obligation. All obligations created and all Bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State.

Section 9. Proceeds from the Sale of Bonds. All moneys derived from the sale of any Bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized, including costs and expenses of issue. Such costs and expenses may include but shall not be limited to (1) the fiscal, legal and other expenses incurred in connection with the issuance of the Bonds, and (2) except in the case of refunding Bonds, interest to accrue on such Bonds for a period ending not later than two (2) years from their date.

Bonds shall be issued in series, each of which shall be separately designated in the proceedings authorizing their issuance. The Board of Directors in the proceedings authorizing a series of Bonds (other than refunding Bonds) shall specify the purposes for which the proceeds of such series shall be used. The proceeds of a series of Bonds shall be used either for making, directly or indirectly, Single Family Mortgage Loans or for making, directly or indirectly, Multi-Family Mortgage Loans, and the proceeds of a single series of Bonds shall not be used for both Single Family Mortgage Loans and Multi-Family Mortgage Loans. Separate series of Bonds may be issued at the same time. No series of Bonds the proceeds of which are to be used for Multi-Family Mortgage Loans shall be actually issued prior to January 1, 1981, although the Authority may enter into agreements or commitments with regard to the issuance of such Bonds prior to January 1, 1981.

In the proceedings authorizing any Bonds (other than refunding Bonds) the proceeds of which are to be applied, directly or indirectly, to the making of Single Family Mortgage Loans, the Board of Directors shall specify the portion of the proceeds thereof which the Board of Directors has determined are to be used for the purpose of providing funds with respect to the making, directly or indirectly, such Mortgage Loans, and of such portion shall allocate (i) a minimum of 80% of such proceeds to the making of Mortgage Loans with respect to new and previously unoccupied Eligible Housing Units, and (ii) not exceeding 20% of such proceeds to the making of Mortgage Loans for existing Eligible Housing Units and for the purchase of existing Mortgage Loans with respect to Eligible Housing Units; provided, that if the Authority determines, after sixty days from the date of issuance of any series of Bonds issued for the purpose of financing Single Family Mortgage Loans, that the proceeds of such series have not been expended or committed to be expended for Mortgage Loans with respect to new and previously unoccupied Eligible Housing Units, then such proceeds may be used to finance any Single Family Mortgage Loans.

Section 10. Refunding Bonds. Any Bonds issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding Bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with the refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Authority at public or private sale at such price or prices as may be determined by its Board of Directors to be most advantageous, or may be exchanged for the Bonds to be refunded. Any such refunding Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denomination or denominations and of such tenor and maturity or maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable at such place or places, either within or without the State, and evidenced in such manner, as may be provided by resolution of the Board of Directors.

Any refunding Bonds issued by the Authority shall be issued and may be secured in accordance with the provisions of Section 8 of this Act.

Section 11. Limitation on Issuance of Bonds. Notwithstanding any other provision of this Act to the contrary, the Authority shall not issue any Bonds, other than refunding Bonds, subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law.

Section 12. Bonds of Authority Eligible for Investment. The State ing amendment to the Substitute for the Bill, S. B. 357, to-wit:

Section 13. Applicability of Certain Provisions of Alabama Uniform Commercial Code. The provisions of Code of Alabama 1975, § 7-9-104(1), to the contrary notwithstanding, the provisions of Article 9 of the Alabama Uniform Commercial Code (Code of Alabama 1975, §§ 7-9-101, et seq.) shall apply with full force and effect to any security interest (whether denominated a pledge, assignment or otherwise) in any tangible or intangible personal property of the Authority created or made in connection with any issue of Bonds of the Authority.

Section 14. Exemption from Taxation. The property and income of the Authority, all Bonds issued by the Authority, the interest payable on and the income derived from such Bonds, conveyances by or to the Authority, and leases, mortgages and deeds of trust or trust indentures by or to the Authority shall be exempt from all taxation in the State. The Authority shall be exempt from all taxes levied by any county, municipality or other political subdivision of the State, including, but without limitation, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be required to pay or allow any fees, taxes or costs to the judge of probate of any county in respect of the recording of any document. Nothing in this section shall be construed to exempt any private person, firm or corporation from payment of any ad valorem, mortgage or deed taxes or recording fees notwithstanding the fact that the Authority shall have acquired an interest in the property or instrument subject to such taxes or fees.

Section 15. Liability of State. The State shall not in any event be liable for the payment of the principal of or interest on any Bonds of the Authority or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever what may be undertaken by the Authority, and none of the Bonds of the Authority or any of its agreements or obligations shall be construed to constitute an indebtedness of the State within the meaning of any constitutional or statutory provisions whatsoever.

Section 16. Exemption from Usury and Interest Laws. The Authority and the obligations thereof shall be exempt from the laws of the State governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of Chapter 8 of Title 8 of Code of Alabama 1975.

Section 17. Exemption from Competitive Bid Laws. The Authority and all contracts made by it shall be exempt from the laws of the State requiring competitive bids for any contract to be entered into by public corporations, including, but without limitation, the provisions of Sections 41-16-20 through 41-16-63 of Code of Alabama 1975.

Section 18. Freedom of Authority from State Supervision and Control. This Act is intended to aid the State through the furtherance of the purposes of the Act by providing an appropriate and independent instrumentality of the State with full and adequate powers to fulfill its functions. Except as expressly provided in this Act, no proceeding, notice or approval shall be required for the incorporation of the Authority, the purchase of any Mortgage Loans or the making of any loan to a Mortgage Lender, the acquisition of any Mortgage, the acquisition of or any dealing with respect to any Mortgaged Property, the issuance of any Bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the Authority.

Section 19. Earnings of the Authority. The Authority shall be a non-profit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation,

except that in the event its Board of Directors shall determine that sufficient provision has been made for the full payment of the expenses, Bonds and other obligations of the Authority, then any net earnings of the Authority thereafter accruing shall be paid to the State.

Section 20. Dissolution of the Authority and Vesting Title to Property in the State. At any time when an Authority has no Bonds or other obligations outstanding, its Board of Directors may by the unanimous vote of all directors present adopt a resolution declaring that the Authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the Secretary of State, the Authority shall thereupon stand dissolved and in the event it shall own any property at the time of its dissolution, the title of all its properties shall thereupon pass to the State.

Section 21. Conflict of Interest. (a) If any member of the Board of Directors, officer or employee of the Authority shall have an interest, either direct or indirect, in any contract to which the Authority is, or is to be, a party or in any Mortgage Lender requesting a loan from, or offering to sell Mortgage Loans to, the Authority, such interest shall be disclosed to the Authority in writing and shall be set forth in the minutes of the Authority. The member, officer or employee having such interest shall not knowingly participate in any action by the Authority with respect to such contract or Mortgage Lender.

(b) Nothing in this section or any other law shall be deemed or construed to limit the right of any member, officer or employee of the Authority to:

(1) Have an interest in any banking institution in which the funds of the Authority are, or are to be, deposited or which is, or is to be, acting as trustee or paying agent under any trust indenture to which the Authority is a party; or

(2) Participate in an action by the Authority pertaining to the issuance of Bonds, the proceeds of which will be applied to (i) the purchase of Mortgages from, or the making of a loan to, a Mortgage Lender of which a member of the Board of Directors is an owner, officer or employee, or (ii) the financing of an Eligible Housing Unit constructed, owned or sold by a member of the Board of Directors or any person, firm or corporation affiliated with such member; provided that any such member does not participate in any proceeding relating to the approval of a contract with the Authority pertaining specifically to the purchase of any such Mortgages or the making of any such loan, or the financing of any such Eligible Housing Unit.

Section 22. Liberal Construction. This Act being remedial in nature, the provisions of this Act shall be liberally construed to effect its purpose.

Section 23. Severability. In the event any section, sentence, clause or portion of this Act shall be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 24. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, S. B. 357, to-wit:

COMMITTEE AMENDMENT TO  
SUBSTITUTE FOR S. B. 357

Amend S.B. 357 by deletion of subsections "(a)" and "(b)" in Section 5 beginning on Line 9, Page 8, and by the substitution of the following therefor:

"(a)" The applicants named in the application and their respective successors in office shall constitute the members of the Authority. The Governor shall, as soon as convenient after the passage of this Act, appoint one person from each of the now existing seven Congressional Districts as members of the Authority, and at the expiration of the terms for which they are appointed or the existence of a vacancy, their successors. Each member and/or successor shall be a citizen of the State, of good reputation and at the time of their appointment two of such members shall be engaged in the business of home building, two shall be licensed real estate brokers, who are not in the business of home building, one shall be engaged in the business of lending money on the security of mortgages on residential property or the officer or employee of a Mortgage Lender, one shall be an elected commissioner of a county in the state, one shall be an elected mayor of a municipality. The members first appointed shall be appointed for terms of one, two, three, four, five, six, and seven years respectively, and the Governor in the appointment shall designate the expiration date of the term of the member. Their respective successors shall be appointed for the remainder of any unexpired term or, if appointed at the expiration of a term, for terms of seven years. Each member shall hold office for the term of his appointment and until his successor shall have been appointed and qualified. A member, director or officer of the Authority may be impeached or removed from office in the same manner and on the same grounds as provided in Section 175 of the Constitution of Alabama and the general laws of the State relating to the impeachment and removal of public officers.

(b) The members of the Authority shall constitute all the members of the Board of Directors of the Authority, in which all powers of the Authority shall be vested, and any four members of the Board of Directors shall constitute a quorum for the transaction of a business."

Which was adopted.

Mr. Mitchem offered the following amendment to the substitute, as amended, for the Bill, S.B. 357, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED FOR S. B. 357

On page 17, Section 9, line 25, strike "80%" and insert in lieu thereof:  
70%

On page 17, Section 9, line 27, strike "20%" and insert in lieu thereof:  
30%

Which was adopted.

Yeas 24; Nays 1.

Yeas:

Messrs.:	Harrison	McDonald	Smith
Britnell	Holmes	Miller	Taylor
Callahan	Kirkland	Mitchem	Teague
deGraffenried	Lemaster	Proctor	Vacca
Denton	Little	Robertson	Weeks
Gulledge	Martin	St. John	White
Hall			

Nay: Mr. Keener.

—24

—1

Mr. Keener offered the following amendment to the substitute, as amended, for the Bill, S.B. 357, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR S. B. 357

Amend S.B. 357 by adding the following after the semicolon on line 35, page 11:

"provided, that the proceeds from the sale and issuance of such bonds shall be allocated and distributed, equally as nearly as possible, among the now existing Congressional Districts, it being the intent that in the event funds allocated and distributed to either of the said seven Districts are not used, such funds may be used at the discretion of the Board to meet the demand for funds in other Congressional Districts."

On motion of Mr. Mitchem, said amendment was laid on the table.

Yeas 15; Nays 11.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Mitchem
Bailey	Gulledge	Martin	St. John
Callahan	Hall	McDonald	Smith
Denton	Harrison	Miller	Taylor

—15

*Nays:*

Messrs.:	Holmes	Little	Teague
Barron	Keener	Parsons	Weeks
deGraffenried	Kirkland	Robertson	White

—11

Mr. Keener then offered the following amendment to the substitute, as amended, for the Bill, S. B. 357, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED, FOR S. B. 357

Amend S.B. 357 by the deletion of lines 24 through 38 on page 17, and by the substitution of the following therefor:

"Mortgage Loans, and of such portion (i) a minimum of 60% shall be used, directly or indirectly, for the making of Mortgage Loans with respect to new and previously unoccupied Eligible Housing Units, (ii) an amount not exceeding 40% shall be used, directly or indirectly, for the making of Mortgage Loans for existing Eligible Housing Units, and for the purchase of existing Mortgage Loans with respect to Eligible Housing Units."

On motion of Mr. Mitchem, said amendment was laid on the table.

Yeas 20; Nays 4.

*Yeas:*

Messrs.:	Harrison	Martin	Robertson
Britnell	Holmes	McDonald	St. John
Callahan	Kirkland	Miller	Smith
Denton	Lemaster	Mitchem	Taylor
Goodwin	Little	Parsons	Vacca
Hall			

—20

*Nays:* Messrs.: Keener, Teague, Weeks and White.

—4

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, S. B. 357, to-wit:

AMENDMENT TO SUBSTITUTE,  
AS AMENDED FOR S. B. 357

Amend substitute, as amended, for Senate Bill No. 357, Page 20, by inserting a new Section 19 and renumber all other sections accordingly:

New Section 19 to read as follows:

This Act shall not be used to assist any present owner for re-financing purposes.

Which was adopted.

On motion of Mr. Mitchem, further consideration of the Bill, S.B. 357, and pending substitute, as amended, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Sandusky:

H. J. R. 274. URGING IMMEDIATE CONGRESSIONAL ACTION TO PROVIDE A LEVEL OF FUNDING ADEQUATE TO THE NEEDS OF THE STATES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

WHEREAS, though aware that the State of Alabama stands not apart from its sister states in a constant and unrelenting erosion of its economy, the Alabama Legislature from personal viewpoint is painfully knowledgeable of Alabama's pressing need of adequate funds, not only to properly maintain existing roads and highways, but also to complete vital links in our nation's interstate highway systems; and

WHEREAS, even as inflation soars, highway funding at the federal level remains the same, and totally insufficient to the needs of the states; and

WHEREAS, the Federal Highway Administration faces a shortage of funds due to a cash flow problem created by large numbers of contractor estimates coming due during the months of June and July; and

WHEREAS, Congress must approve a supplemental appropriation of \$1.4 billion in order to alleviate this cash flow problem; and

WHEREAS, the delay in approving supplemental appropriation has in turn forced Alabama to delay awarding approximately \$80 million in desperately needed construction projects which are financed primarily with federal funds; and

WHEREAS, a further stay in approving supplemental appropriation may possibly force curtailment of construction projects previously awarded and on which work is currently progressing; and

WHEREAS, until supplemental appropriation is approved, Alabama can no longer move forward on projects scheduled for highway lettings in June and July; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most strongly urge the Alabama Congressional Delegation to use every effort available to have supplemental appropriation for the Federal Highway Administration approved as quickly as possible.

BE IT FURTHER RESOLVED, That the Clerk of the House, by copy of this resolution, notify each member of the Alabama Congressional Delegation of our urgent request for expediency in federal highway supplemental appropriation to the states.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

The Resolution, H.J.R. 274, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

### BILLS ON THIRD READING RESUMED

On motion of Mr. Denton, the Rules were suspended and the Bill:

S. 554. Authorizing any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, to incorporate a Port Authority for the purpose of building or leasing waterfront facilities; provides the conditions under which the authority shall be created; provides for the election of the officers; provides for the duties and powers of said authority; provides for the issuance of tax exempt securities to finance said authority; provides for the distribution of the proceeds from the issuance of the securities; authorizes refunding of the securities; provides for remedies in the event of a default; and authorizes the authority to enter into contracts.

was taken up.

Mr. Denton offered the following substitute for the Bill, S.B. 554, to-wit:

### SUBSTITUTE FOR S.B. 554

#### A BILL TO BE ENTITLED AN ACT

To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments



thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Whenever used in this Act, unless the context plainly indicates otherwise, the present term shall include the future term, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine, and the following words and phrases shall have the following meanings respectively ascribed to them by this Section:

(a) "authority" means a non-profit public corporation organized pursuant to the provisions of this Act.

(b) "authorizing subdivision" means any county or municipality to which application has been made for authority to incorporate an authority under this Act.

(c) "board" means the board of directors of an authority.

(d) "director" means a member of the board of directors of an authority.

(e) "county" means any county in this state.

(f) "governing body" means, with respect to a county, the county commission and, with respect to a municipality, the council, commission or other governing body of such municipality.

(g) "municipality" means any incorporated city or town in this state.

(h) "indenture" means any mortgage, indenture of mortgage, deed of trust, trust agreement or trust indenture executed by an authority as security for its bonds.

(i) "project" means any land, any interest in land, any building, structure or improvement thereon, any machinery, equipment, furniture, furnishings, facility or personal property, or any of them, which, in the judgment of the board of an authority is suitable for use by the authority in carrying out its powers and the functions authorized by this Act, including, without limitation, ports, docks, and all kinds of dock facilities, water and rail terminals and facilities, wharves, piers, berths, quays, loading and unloading facilities and other related facilities, marinas, boating facilities, facilities for aquatic entertainment and sports, facilities for fishing, pavillions, auditoriums, motels, restaurants, coffee shops, stores, warehouses, factories, manufacturing plants, industrial plants, office and other commercial buildings and facilities, or any of them.

(j) "waterfront property" means any property on or near any navigable river in this state.

## Section 2. Legislative intent; construction of the Act generally.

(a) It is the intention of the Legislature by the passage of this Act to authorize the incorporation of authorities as non-profit public corporations to develop waterfront property for recreational, transportation, agricultural, industrial and commercial purposes by financing, acquiring, enlarging, improving, replacing, owning, operating, selling, leasing and disposing of a project or projects or any part thereof. It is the further intent of the Legislature by the passage of this Act to vest an authority with all powers that may be necessary to enable it to accomplish such purposes.

(b) This Act shall be liberally construed in conformity with the said intention.

Section 3. Incorporation of authorities. Whenever any number of natural persons not less than three shall file with the governing body of a county and with the governing body of any municipality located, in whole or in part, in such county, an application in writing for authority to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation, said governing bodies shall each proceed to consider such application. If said governing bodies shall each by appropriate resolution duly adopted, find and determine that each applicant was a duly qualified elector of and taxpayer in the county in which the application was filed and that it is wise, expedient, necessary or advisable that the authority be formed, shall authorize the persons making such application to proceed to form such authority and shall approve the form of certificate of incorporation proposed to be used in organizing such authority, then the persons making such application shall execute, acknowledge and file a certificate of incorporation for the authority as provided in Section 4 hereof.

No authority shall be formed unless such application shall have first been filed as hereinabove provided and the governing bodies of the authorizing subdivision shall each have adopted resolutions as provided in this Section.

## Section 4. Certificate of Incorporation and its contents; execution and acknowledgment.

(a) The certificate of incorporation shall set forth:

(1) The names and resident addresses of the applicants together with a recital that each of them is a duly qualified elector of and taxpayer in the county;

(2) The name of the authority which shall be \_\_\_\_\_  
Port Authority (the blank spaces to be filled in with the names of the authorizing subdivisions if such name shall be available for use by the authority, and if not available then the incorporators shall designate some other similar name that is available);

(3) A recital that permission to organize the authority has been granted by resolution duly adopted by the governing body of each authorizing subdivision and the respective dates of adoption of said resolutions;

(4) The location of the principal office of the authority (which shall be in the municipality) and its post office address;

(5) A statement that the authority is organized for the purposes set forth in this Act with all the powers and authorities specified in this Act.

(6) The geographical boundaries of the authority's jurisdiction, which shall be situated within the boundaries of the county which is an authorizing subdivision and extend along the banks of a navigable river and inland for a distance of not more than one mile from said river.

(7) The period, if any, for the duration of the authority (if the duration is to be perpetual that fact shall be so stated); and

(8) Any other matter which the applicants may choose to insert therein which shall not be inconsistent with this Act or with the laws of the State of Alabama;

(b) The certificate of incorporation shall be subscribed and acknowledged by each of the applicants before an officer or officers authorized by the laws of the State of Alabama to take acknowledgments to deeds.

Section 5. Same—filing with Probate Judge; examination, approval and recordation by Probate Judge. When executed and acknowledged in conformity with Section 4 hereof, the certificate of incorporation shall be filed with the judge of probate of the county which is an authorizing subdivision. The judge of probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of Section 4 have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state so as to lead to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office. The recording of the certificate of incorporation shall be conclusive evidence that the required findings and approvals have been made.

When such certificate has been so made, approved and filed, the applicants shall constitute a public corporation under the name set forth in the certificate of incorporation.

Section 6. Same—amendment. The certificate of incorporation may at any time and from time to time be amended so as to make any changes therein and add any provisions thereto which might have been included in the certificate of incorporation in the first instance.

Such an amendment shall be effected in the following manner: the board of the authority shall file with the governing body of each authorizing subdivision a resolution seeking permission to amend the certificate of incorporation, specifying in such resolution the amendment proposed to be made. The governing body of each authorizing subdivision shall consider such resolution and, if each of them shall be appropriate resolution duly find and determine that it is wise, expedient, necessary or advisable that the proposed amendment be made and shall authorize the same to be made and shall approve the form of the proposed amendment, then the authority shall cause to be executed an instrument embodying the proposed amendment and shall file the same with the judge of probate of the county in which the certificate of incorporation was originally filed. The proposed amendment shall be subscribed and acknowledged by its President or Vice President before an officer authorized by the laws of Alabama to take acknowledgments to deeds. Such judge of probate shall thereupon examine the proposed amendment and, if he finds that the requirements of this Section have been complied with and the proposed amendment is within the scope of what might be included in an original certificate of incorporation, he shall approve the amendment and record it in an appropriate book in his

office. When such amendment has been so made, approved and filed, it shall thereupon become effective and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation shall be amended except in the manner provided in this Section. The recording of the amendment shall be conclusive evidence that the requisite findings and approvals have been made.

Section 7. Directors. An authority shall have a board of directors in which all of the powers of the authority shall be vested, and which shall consist of five members. Two directors shall be elected by the governing body of the county which is an authorizing subdivision, two directors shall be elected by the governing body of the municipality which is an authorizing subdivision, and one director shall be elected jointly by the governing bodies of both such county and such municipality. The directors shall be so elected that they shall hold office for staggered terms. The first term of office of one of the two directors elected by the governing body of the county shall be for two years and the first term of office of the other director elected by said governing body shall be for four years. The first term of office of one of the two directors elected by the governing body of the municipality shall be for one year and the first term of office of the other director elected by said governing body shall be for three years. The first term of office of the director elected jointly by the governing bodies of the county and the municipality shall be for five years. Thereafter, the term of office of each director shall be five years. If at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be so elected. Each director elected by the governing body of one of the authorizing subdivisions shall be a resident of the authorizing subdivision by whose governing body he was elected, but the director elected jointly by the governing body of both authorizing subdivisions need only be a resident of the county. If a director resigns, dies, or becomes incapable or ineligible to act as director, a successor to serve the unexpired period of his term shall be elected by the governing body or bodies by which the director whose unexpired term he is to fill was elected. Directors shall be eligible for re-election by the governing body or bodies by which they were initially elected. No director shall be an officer or employee of the state or of an authorizing subdivision.

(b) A majority of the members of the board shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. Any matter in which the board is authorized to act may be acted upon at a regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by ayes and nays entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the authority and recorded in a well-bound book, which shall open for inspection by each director and the public at all reasonable times. Copies of such proceedings when certified by the secretary of an authority under its seal shall be received in all courts as evidence of the matters and things therein certified. Directors and officers of an authority shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. Any director may be impeached and removed from office in the manner and on the same grounds provided for in Section 175 of the Constitution of Alabama of 1901, and the

general laws of the State for impeachment and removal of officers mentioned in said Section 175. An authority shall make to its authorizing subdivisions an annual report of its activities and of its plans for the future, which report shall include a financial operating statement and balance sheet prepared and certified by the Examiner of Public Accounts for the State of Alabama or by a certified public accountant.

**Section 8. Officers.** The officers of an authority shall consist of a president, a vice president, a secretary, a treasurer, and such other officers as the board may determine. The office of secretary and treasurer may be held by the same person. All officers shall be elected by the board and shall be members of the board.

**Section 9. Powers.**

(a) An authority organized and existing under this Act shall have the following powers, together with all powers incident thereto or necessary for the performance of those stated herein:

(i) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(ii) To adopt an official seal and alter the same at pleasure;

(iii) To maintain a principal office in the municipality which is an authorizing subdivision and sub-offices at such other place or places within the county which is an authorizing subdivision as its board may designate;

(iv) To sue and be sued in its own name, excepting actions in tort against the authority;

(v) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project shall then be in existence;

(vi) To acquire, whether by purchase, construction, exchange, gift or otherwise and to improve rights of way, streets, approaches, roads, railroads lines, interests in land, including the fee simple title to real property and riparian rights necessary or useful and convenient in gaining access, entry, or approach to waterways, whether or not such easements, rights of way, streams, approaches, roads, railroads lines, interests in land and riparian rights lead to property owned or controlled by the authority;

(vii) To acquire, receive, take, hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same and to develop any undeveloped property owned, leased or controlled by it;

(viii) To sell and convey, or grant options for such purpose, any or all of its projects or properties, whenever its board shall find such action to be in furtherance of the purposes for which the authority was organized;

(ix) To exchange or donate any or all of its projects or properties whenever its board shall find such action to be in furtherance of the purposes for which an authority was organized;

(x) To execute such contracts or instruments and to take such action as may be necessary or convenient to carry out the purposes of this Act or to exercise any power or authority granted herein;

(xi) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions, limitations and conditions as its board may approve;

(xii) To operate a project or projects or parts thereof other than factories, manufacturing plants and industrial plants;

(xiii) To furnish food, lodging, shelter, lawful drinks, confections, reading matter, oil, gas, motor fuels, watercraft, motor and watercraft parts, equipment and the services of mechanics, instructors and repairmen for reward or compensation;

(xiv) To charge fees for admission to any of its properties;

(xv) To borrow money for the purpose of carrying out any of its powers and to issue its bonds or other securities in evidence thereof, including bond anticipation notes;

(xvi) To assign and pledge any revenues received by an authority from the lease, sale or operation of any or all of its projects or any part or parts thereof as security for the payment of the principal of and interest and premium, if any, on any bonds or other securities and the performance of any agreements made in connection therewith, whether then owned or thereafter acquired;

(xvii) To appoint, employ, contract with and provide for compensation for such employees and agents, including engineers, architects, attorneys, consultants, fiscal advisors, and such other employees or agents as the business of the corporation may require, including the power to fix working conditions by general rules and other conditions of employment, and at its option to provide a system of disability payments, retirement compensation and pension or any of them and to hire and fire servants, agents and employees at will;

(xviii) To make and execute contracts and other instruments necessary to exercise the powers of the authority;

(xix) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any project or projects or parts thereof owned or controlled by an authority;

(xx) to make and enforce rules and regulations governing the use of any project, property or facilities owned or controlled by an authority;

(xxi) To provide such insurance, including use and occupancy insurance, as its board may deem advisable;

(xxii) To cooperate with the State, any department or agency of the State, any county, municipality or other political subdivision of the State or with the United States of America or any of its departments or agencies or any corporation or authority organized or controlled by the United States of America, and to make such contracts therewith as its board may deem advisable;

(xxiii) To receive and accept grants for and in aid of construction, extension, improvement, maintenance or operation of any of its facilities or properties from the United States of America or any agency or department thereof or any corporation or authority organized or controlled thereby, from the State or any agency or department thereof, any political subdivision thereof or any municipality or county, and to receive and accept money, property, labor or other things of value from any source whatsoever.

(b) Any project or projects of an authority may be located at any place or places within the geographical boundaries of the authority's jurisdiction as set forth in its certificate of incorporation or any amendment provided however no project or part thereof shall be located within the corporate limits or police jurisdiction of a municipality which is not an authorizing subdivision unless the governing body of such municipality has first adopted a resolution consenting to the location of such project or part thereof within its corporate limits or police jurisdiction, as the case may be.

Section 10. Bonds form, terms, denominations, redemption and other provisions, sale and delivery. All bonds and securities issued by an authority shall be payable solely out of the revenues derived by the authority from the leasing, sale or operation of any or all of its projects as may be designated in the proceedings of its board under which the same shall be authorized to be issued. None of the bonds, securities or notes of an authority shall ever constitute an obligation or debt of the State, or any authorizing subdivision, or of any county or municipality of the State or a charge against the credit or taxing powers of any of them.

Bonds of an authority may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form, either as to principal or interest or both, may be payable at such time or times not exceeding forty years from their date, may be made subject to redemption, may be payable at such place or places whether within or without the State of Alabama, may bear interest at such rate or rates (including variable rates), payable at such time or times and at such place or places and evidenced in such manner, and may contain such other provisions not inconsistent with this Act, all as shall be provided in the proceedings of its board whereunder the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall state that it is subject to redemption at the option of the authority at the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings wherein such Bond is authorized to be issued.

Any bonds of an authority may be sold at public or private sale in such manner and from time to time as may be determined by its board to be most advantageous and the authority may pay all expenses, premiums, fees and commissions that its board may deem necessary or advantageous in connection with the issuance thereof.

The issuance by an authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or other projects, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior assignment, lien or indenture for any prior issue of bonds unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recitals shall be conclusive that they have been duly authorized pursuant to the provisions of this Act.

All bonds issued hereunder and any interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

Section 11. Same—Execution. All bonds shall be signed by the president or vice president and the secretary or treasurer of the authority and the seal of the authority shall be affixed thereto; provided that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted thereon in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be signed by the president or vice president and the secretary or treasurer of the authority, but a facsimile of the signature of such president or vice president and such secretary or treasurer may be imprinted on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 12. Same—Indenture, Lien; Remedies of Bondholders. In the discretion of its board, any bonds issued by an authority may be secured by an indenture between an authority and the trustee, which may be any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such indenture or resolution providing for the issuance of bonds an authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture, an authority may mortgage any of its properties, including any that may be thereafter acquired by it, and may provide that in the event of a default in payment of the bonds secured thereby or in the event of default with respect to any agreement contained therein, such mortgage may be foreclosed either by sale at public outcry or by judicial proceedings. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the judge of probate of the county and any other county in which any part of the property, the revenues from which are so pledge, is located. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit thereof revenues from any one or more of its facilities, the authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due to or to become due to the authority, the terms to be incorporated in any lease agreement respecting any property of the authority, the maintenance and insurance of any building, structure or other property owned by the authority, the creation and maintenance of special funds from any revenue of the authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as its board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by an authority in payment of the principal of or the interest on the bonds or in



any of the agreements on the part of an authority that may properly be included in any indenture securing the bonds or in any resolution authorizing their issuance, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available) by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the board and officers of the authority, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver with all the powers of such receiver for the operation and maintenance of the property of the authority covered by such indenture or resolution and the collection, segregation and application of revenues therefrom. The indenture or any resolution may also contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 13. Same—Application of Bond Proceeds. The proceeds derived from the sale of bonds shall be applied as provided in the proceedings in which the bonds are authorized to be issued, including without limitation, the payment of all legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds and if so provided in the proceedings authorizing their issuance, interest on said bonds (or, if a part only of any issue of bonds is issued for acquisition purposes, interest on that portion of the bonds of that issue that is issued to pay acquisition costs) for a reasonable period prior to and during the time required for the acquisition, construction and equipping of the project and for a period not exceeding eighteen months after the completion thereof. An authority may provide in the proceedings authorizing the issuance of bonds for the capitalization of a debt service reserve and/or a replacement and extension reserve from the proceeds of its bonds.

Section 14. Same—Refunding. An authority may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and the interest on any bonds of the authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this Act pertaining to bonds of an authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by such authority. An authority may at any time and from time to time issue bonds both for the purpose of so refunding the principal of and the interest on any of its bonds and for the other purpose for which it is authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions thereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 15. Liability of Authorizing Subdivisions upon bonds, obligations and agreements of an authority. Neither of the authorizing subdivisions of an authority shall in any event be liable for the payment of the principal of, interest and premium, if any, on any bonds of an authority or for the performance of any pledge, assignment, indenture, obligation or agreement of any kind whatsoever which may be undertaken by an authority and none of the bonds of an authority or any of its agreements or obligations shall be construed to constitute an indebtedness of any authorizing subdivision within the meaning of any constitutional or statutory provision whatsoever.

Section 16. Disposition of Net Earnings. Each authority organized hereunder shall be a non-profit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event its board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority, then any net earnings of an authority thereafter accruing shall be paid in equal amounts to its authorizing subdivisions.

Section 17. Bonds are legal investments. Bonds issued under this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of the State of Alabama.

Section 18. Dissolution of an authority and disposition of properties. Whenever the board of any authority shall by resolution determine that the purposes for which the authority was formed have been substantially complied with and any bonds theretofore issued and all obligations theretofore incurred by the authority have been paid, the authority shall thereupon execute and file for record in the office of the judge of probate of the county in which its certificate of incorporation was filed a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Such certificate of dissolution shall be signed by the president or vice president of the authority under its corporate seal.

Upon the filing of such certificate of dissolution the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in equal shares in its authorizing subdivisions and the possession of such funds properties shall forthwith be delivered to such authorizing subdivisions.

Section 19. Exemption from taxation. Each authority incorporated under this Act and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the State of Alabama, including, without limitation, ad valorem, sales, excise, license and privilege taxes. The certificate of incorporation of each authority, the certificate of dissolution of each authority, all deeds or other documents whereby properties are conveyed to an authority and all deeds, indentures or leases executed by an authority may be filed for record in the office of the judge of probate of the county in which the authority is organized without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instrument.

Section 20. Exemption—usury and interest laws. Each authority incorporated under this Act shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8, Title 8 of the Code of Alabama 1975.

Section 21. Exemption—competitive bid laws. Each authority incorporated under this Act and all contracts entered into by it shall be exempt from all laws of the State of Alabama requiring or governing competitive bids, including without limitation, the provisions and requirements of Article 3 of Chapter 16 of Title 41 of the Code of Alabama 1975.

Section 22. Construction of Act.

(a) Neither this Act nor anything contained in this Act shall be construed as a restriction or limitation upon any powers which an authority may otherwise have under any laws of this State, but shall be construed as cumulative of any such powers.

(b) No proceedings, notice or approval shall be required for the organization of an authority or the issuance of any bond or any indentures or instruments as security therefor, except as provided in this Act, any other law to the contrary notwithstanding; provided, that nothing in this Act shall be construed to deprive the State or its governmental subdivisions of their respective police powers over any properties of the authority or to impair any power thereover of any official or agency of the State or its governmental subdivisions which might be otherwise provided by law.

Section 23. Filing with Securities Commission. An authority proposing to issue any bonds under the authority of this Act shall comply with and be entitled to the benefits of the pre-issuance procedures specified in Article 5, Chapter 6, Title 8 of Code of Alabama 1975.

Section 24. Correction of Errors or Omissions in Incorporation. If an authority formed under this Act has failed to comply with the requirements of this Act in its organization, such omission or defect may be corrected as follows:

(a) Its board shall file with the governing body of each authorizing subdivision of the authority a resolution seeking permission to correct the defect or omissions, specifying such defect or omission in the resolution.

(b) The governing body of each such authorizing subdivision shall consider such resolution and if each shall be appropriate resolution duly find and determine that it is advisable that the proposed correction be made and shall authorize the same to be made, then the president or vice president of the authority shall execute an instrument in the name of the authority embodying the corrections and shall file the same with the judge of probate of the county in which the certificate of incorporation was originally filed. Such filing shall relate back to the organization of the authority except as to rights of third parties which have intervened.

Section 25. Severability. In the event any provision of this Act shall be invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 26. Repeal. All laws or parts thereof which conflict with this Act are hereby repealed.

Section 27. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	Martin	Smith
Callahan	Harrison	Parsons	Taylor
Cook	Holmes	Pearson	Vacca
deGraffenried	Keener	Proctor	Weeks

—23

*Nays:*

—0

On motion of Mr. Denton, the Rules were suspended and the Bill:

H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

was taken up in place of the Bill, S.B. 554, as amended.

On motion of Mr. Denton, further consideration of the Bill, H.B. 925, was temporarily postponed.

On motion of Mr. St. John, the Rules were suspended and the Bill:

S. 509. To amend Section 13A-5-31 of the Alabama Criminal Code, previously Section 13-11-2 of the Code of Alabama 1975, relating to aggravated offenses for which death penalty to be imposed, so as to adapt the language relating to the classification of offenses to the more recent language contained in the Alabama Criminal Code as enacted in 1977.

was taken up.

And said Bill, S. B. 509, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Smith
Britnell	Hall	Mitchem	Taylor
Callahan	Holmes	Proctor	Teague
Cook	Kirkland	Robertson	Vacca
deGraffenried	Lemaster	St. John	White
Goodwin	Little		

—21

*Nays:* —0

On motion of Mr. St. John, Rule 35 was suspended to allow transmittal to the House of the above Bill.

The Bill:

S. 234. Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to declare actions taken at such meetings void, to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

was taken up.

The Standing Committee on Judiciary reported the following substitute for the Bill, S. B. 234, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 234

A BILL  
TO BE ENTITLED  
AN ACT

Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are recorded and open to the public; to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13-5-1 of the Code of Alabama 1975, is hereby repealed.

Section 2. Open meetings: (a) All meetings of any governing body as defined herein shall be open to the public at all times, except as specified in Section 2(b).

(b) An executive or closed meeting may be held by a governing body as defined by this Act, only after the meeting is first convened publicly with reasonable advance public notice as hereinafter provided and a quorum of said body is present and a majority thereof votes publicly in favor of said closed meeting. Before a closed meeting may be held, the governing body as defined by this Act, shall state in the convened public session the reason for the closed meeting if such meeting is provided for by this Act. Minutes shall be made of all closed meetings and may be reviewed by a court of law of competent jurisdiction in connection with any inquiry under Section 6 of this Act concerning alleged violations of this Act, provided that such records shall not be open to public inspection except by order of a court of law of competent jurisdiction or by a majority vote of the governing body in a public session. An executive or closed meeting shall be limited to discussion and debate of the character or good name of the man or woman involved. No voting, whether formal or informal, shall be conducted in a closed meeting.

Section 3. Definitions: (a) "Governing Body" means any authority, board, commission, council, or other body of the State, or of one or more counties, cities, municipalities, school administrative units, departments or agencies thereof, or other political subdivisions or public corporations in the state that is composed of two or more members, if it exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative or regulatory function, or if it is supported in whole or in part or has the power to expend any funds belonging to the state, one or more counties, any city, municipality or other political subdivision thereof.

(b) "Meeting" means the gathering of a governing body as defined in this Act for the purpose of making a decision or deliberating toward a decision on any matter, whether regularly scheduled or specially called. The term "meeting" as used in this Act shall not include any on-site inspection of any project or program, any spontaneous, chance or purely social assembly, or any unplanned and unanticipated gathering of two or more members of any governing body.

#### Section 4. Notice of public meetings:

(a) Notice of Meetings: Any such governmental body which holds a meeting for which notice is not already provided by law, shall give public notice of such meeting at least 24 hours prior to the meeting, except as provided by Section 57 of Article 4 of the Constitution of Alabama of 1901, or as otherwise provided in this Act.

(b) The advance notice requirements set forth in Section (a) above, shall not apply to meetings of a governing body which are held under the circumstances of an extreme emergency. In situations of extreme emergency meetings of a governing body, notice to the public shall be provided by the fastest possible means.

(c) The notice requirements of this section are in addition to, and not in substitution of, any other notice required by law.

Section 5. Meetings recorded and open to public: The proceedings of a meeting of any such governmental body shall be promptly and fully recorded, shall be open to public inspection, and shall include but not be limited to, a record of members present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in event of roll call.

Section 6. Enforcement: (A) any person or persons violating any of the provisions of this Act shall, upon conviction, be guilty of a misdemeanor and may be fined up to \$500.

(b) Civil Remedy: The circuit courts and other courts which have jurisdiction, shall have jurisdiction to issue injunctions, impose fines of up to \$500.00 for each violation, and otherwise enforce the provisions of this Act upon application of any citizen of this state. In the event a finding, judgment or decree of the court determines a violation of this Act has occurred, the prevailing complainant may, in the discretion of the trial court, be awarded reasonable attorney's fees by the court.

(c) In each suit brought under this Act, the court shall file written findings of fact and conclusions of law and final judgments, which shall also be recorded in the minutes of the body involved.

(d) The court shall permanently enjoin any person adjudged by it to be in violation of this act from further violation of the act. Each separate occurrence of such meetings not held in accordance with this act shall constitute a separate violation.

(e) The final judgment or decree in each suit shall state that the court retain jurisdiction over the parties and subject matter for a period of one (1) year from date of entry and the court shall order the defendants to report in writing semiannually to the court of their compliance with this Act.

Section 7. Repealer: All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. Severability: The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Effective date: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Judiciary then reported the following amendment to the substitute for the Bill, S.B. 234, to-wit:

COMMITTEE AMENDMENT TO  
SUBSTITUTE FOR S. B. 234

Amend substitute for Senate Bill 234, page 2, line 25, by striking out, after the word "a", the word "legislative" and the comma thereafter.

On motion of Mr. deGraffenried, said Committee substitute and amendment were laid on the table.

Mr. deGraffenried then offered the following substitute for the Bill, S.B. 234, to-wit:

SUBSTITUTE FOR S.B. 234

A BILL  
TO BE ENTITLED  
AN ACT

Relating to meetings of certain public bodies; to forbid closed, secret or executive meetings except in certain circumstances; to require minutes of secret meetings and allow court accessibility to said minutes; to define "governing body" and "meeting"; to provide for reasonable public notice of meetings; to ensure that proceedings of meetings are open to the public; to provide criminal penalties and a civil remedy for violations hereof; to repeal Section 13-5-1, Code of Alabama 1975, and other conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 13-5-1 of the Code of Alabama 1975, is hereby repealed.

Section 2. Open meetings: (a) All meetings of any governing body as defined herein shall be open to the public at all times, except as specified in Section 2(b).

(b) An executive or closed meeting may be held by a governing body as defined by this Act, only after the meeting is first convened publicly with reasonable advance public notice as hereinafter provided and a quorum of said body is present and a majority thereof votes publicly in favor of said closed meeting. Before a closed meeting may be held, the governing body as defined by this Act, shall state in the convened public session the reason for the closed meeting if such meeting is provided for by this Act. Minutes shall be made of all closed meetings and may be reviewed by a court of law of competent jurisdiction in connection with any inquiry under Section 6 of this Act concerning alleged violations of this Act, provided that such records shall not be open to public inspection except by order of a court of law of competent jurisdiction or by a majority vote of the governing body in a public session. An executive or closed meeting shall be limited to discussion and debate of the character or good name of the man or woman involved. No voting, whether formal or informal, shall be conducted in a closed meeting.

Section 3. Definitions: (a) "Governing Body" means any authority, board, commission, council, or other body of the state, or of one or more counties, cities, municipalities, school administrative units, departments or agencies thereof, or other political subdivisions or public corporations in the state that is composed of two or more members, if it exercises or is authorized to exercise a legislative, policy-making, quasi-judicial, administrative or regulatory function, or if it is supported in whole or in part or has the power to expend any funds belonging to the state, one or more counties, any city, municipality or other political subdivision thereof.

(b) "Meeting" means the gathering of a quorum of a governing body as defined in this Act for the purpose of making a decision or deliberating toward a decision on any matter, whether regularly scheduled or specially called. The term "meeting" as used in this Act shall not include any on-site inspection of any project or program, any spontaneous, chance or purely social assembly, or any unplanned and unanticipated gathering of two or more members of any governing body.

Section 4. Notice of public meetings:

(a) Notice of Meetings: Any such governmental body which holds a meeting for which notice is not already provided by law, except committees of the Alabama Legislature or as otherwise provided in this Act, shall give public notice of such meeting at least 24 hours prior to the meeting.

(b) The advance notice requirements set forth in Section (a) above, shall not apply to meetings of a governing body which are held under the circumstances of an extreme emergency. In situations of extreme emergency meetings of a governing body, notice to the public shall be provided by the fastest possible means.

(c) The notice requirements of this section are in addition to, and not a substitution of, any other notice required by law.



Section 5. Meetings recorded and open to public: The proceedings of a meeting of any such governmental body shall be promptly and fully recorded in minutes, shall be open to public inspection, and shall include but not be limited to, a record of members present, all motions, proposals and resolutions offered, the results of any votes taken, and a record of individual votes in event of roll call.

Section 6. Enforcement: (a) Any person or persons violating any of the provisions of this Act shall, upon conviction, be guilty of a misdemeanor and may be fined up to \$500.

(b) Civil Remedy: The circuit courts and other circuits which have jurisdiction, shall have jurisdiction to issue injunctions, impose fines of up to \$500.00 for each violation, and otherwise enforce the provisions of this Act upon application of any citizen of this state. In the event a finding, judgment or decree of the court determines a willful violation of this Act has occurred, or that a frivolous or unwarranted complaint has been filed, the prevailing party may, in the discretion of the trial court, be awarded reasonable attorney's fees by the court.

(c) In each suit brought under this Act, the court may file written findings of fact and conclusions of law and final judgments, which may also be recorded in the minutes of the body involved.

(d) The court may permanently enjoin any person adjudged by it to be in violation of this Act from further violation of the Act. Each separate occurrence of such meetings not held in accordance with this Act may constitute a separate violation.

(e) The final judgment or decree in each suit may state that the court retain jurisdiction over the parties and subject matter for a period of one (1) year from date of entry and the court may order the defendants to report in writing semiannually to the court of their compliance with this Act.

Section 7. Repealer: All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. Severability: The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. Effective Date: This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Gulledge	Kirkland	Parsons
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
Clemon	Holmes	Miller	Smith
deGraffenried	Keener	Mitchem	Taylor
Denton			

—20

Nays: —0

By unanimous consent, the names of Messrs. St. John and Martin were added as co-sponsors of the above substitute.

Mr. Weeks offered the following amendment to the Bill, S.B. 234, as amended by the substitute, to-wit:

AMENDMENT TO S. B. 234, AS AMENDED

Amend S. 234, as amended, Section 2, subsection (b), found on Page 2, as follows:

(b) An executive or closed meeting may be held by a governing body as defined by this Act, only after the meeting is first convened publicly with reasonable advance public notice as hereinafter provided and a quorum of said body is present and a majority thereof votes publicly in favor of said closed meeting. Before a closed meeting may be held, the governing body as defined by this Act, shall state in the convened public session the reason for the closed meeting if such meeting is provided for by this Act. Minutes shall be made of all closed meetings and may be reviewed by a court of law of competent jurisdiction in connection with any inquiry under Section 6 of this Act concerning alleged violations of this Act, provided that such records shall not be open to public inspection except by order of a court of law of competent jurisdiction or by a majority vote of the governing body in a public session. An executive or closed meeting shall be limited to discussion and debate of the character or good name of the man or woman involved, the following situations (1) whenever consideration is being given to private personnel records and information in an employment decision, evaluation, dismissal, transfer, suspension, expulsion, or other discipline of an employee or student; (2) or discussions and debate on proposed or pending legal action with the body's attorney. No voting, whether formal or informal, shall be conducted in a closed meeting.

On motion of Mr. deGraffenried, said amendment was laid on the table.

Mr. Weeks then offered the following amendment to the Bill, S.B. 234, as amended, to-wit:

AMENDMENT TO S. B. 234, AS AMENDED

Amend S. 234, as amended, Section 2, subsection (b), found on Page 2, as follows:

(b) An executive or closed meeting may be held by a governing body as defined by this Act, only after the meeting is first convened publicly with reasonable advance public notice as hereinafter provided and a quorum of said body is present and a majority thereof votes publicly in favor of said closed meeting. Before a closed meeting may be held, the governing body as defined in this Act, shall state in the convened public session the reason for the closed meeting if such meeting is provided for by this Act. Minutes shall be made of all closed meetings and may be reviewed by a court of law of competent jurisdiction in connection with any inquiry under Section 6 of this Act concerning alleged violations of this Act, provided that such records shall not be open to public inspection except by order of a court of law of competent jurisdiction or by a majority vote of the governing body in a public session. An executive or closed meeting shall be limited to discussion and debate of the character or good name of the man or woman involved, or discussions and debate on proposed or pending legal action with the body's attorney. No voting, whether formal or informal, shall be conducted in a closed meeting.

On motion of Mr. deGraffenried, said amendment was laid on the table.

And said Bill, S.B. 234, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION  
27th Day

1547

Yeas 32; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	McDonald	Taylor
Britnell	Harrison	Miller	Teague
Callahan	Higginbotham	Mitchem	Vacca
Clemon	Holmes	Parsons	Weeks
Cook	Keener	Proctor	White
deGraffenried	Kirkland	Robertson	—32
Denton	Lemaster		

*Nays:* —0

Mr. deGraffenried moved that the Senate reconsider the vote by which the Bill, S.B. 234, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

On motion of Mr. deGraffenried, Rule 35 was suspended to allow transmittal to the House of the above Bill.

FURTHER CONSIDERATION OF S. B. 357

The Senate proceeded to further consideration of the Bill, S. B. 357. The question was on the Committee substitute, as amended.

Mr. White offered the following amendment to the substitute, as amended, for the Bill, S. B. 357, to-wit:

AMENDMENT TO SUBSTITUTE  
FOR S. B. 357, AS AMENDED

Amend substitute, as amended, for S. B. 357 as follows:

On Page 17, line 8, following the word indirectly strike the words and figures “, Multi-Family Mortgage Loans”

and

On Page 17, line 9, strike the word “both”

and

On Page 17, line 10, following the word loans strike the words “and Multi-Family Mortgage”

and

strike all of lines 11, 12, 13, 14, 15 and 16.

Which was adopted.

And said substitute, as thus amended, was then adopted by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Clemon	Gulledge	Holmes
Bailey	Denton	Hall	Keener
Callahan	Goodwin	Harrison	Kirkland

Lemaster	Miller	Proctor	Taylor	
Little	Mitchem	Robertson	Teague	
Martin	Parsons	St. John	Vacca	
McDonald	Pearson	Smith	White	
				—27
Nays:				—0

And said Bill, S.B. 357, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	St. John	
Bailey	Hall	Martin	Smith	
Callahan	Harrison	McDonald	Taylor	
Clemon	Holmes	Miller	Teague	
Cook	Keener	Mitchem	Weeks	
Denton	Kirkland	Pearson	White	
Goodwin	Lemaster	Proctor		—26
Nays:				—0

On motion of Mr. Mitchem, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. Vacca, the Rules were suspended and the Bill:

S. 496. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

was taken up.

And said Bill, S.B. 496, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Lemaster	St. John
Bailey	Denton	Little	Smith
Barron	Goodwin	Martin	Taylor
Britnell	Gulledge	McDonald	Teague
Callahan	Hall	Miller	Vacca
Clemon	Harrison	Parsons	Weeks
Cook	Holmes	Robertson	White
—27			
<i>Nays:</i>	—0		

On motion of Mr. Vacca, Rule 35 was suspended to allow transmittal to the House of the above Bill.

REGULAR SESSION  
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The Bill:

S. 179. To amend Section 16-13-146, Code of Alabama 1975, which limits the amount of interest to 6% per year on loans made by county and city boards of education, so as to raise this amount to 10% per year.

was taken up.

Mr. Callahan offered the following amendment to the Bill, S.B. 179, to-wit:

AMENDMENT TO S.B. 179

Amend S.B. 179 in the title on line 22 by striking the number "10%" and substituting in lieu thereof the number "8%".

Further amend S.B. 179 in Section one on line 28 by striking the word "ten" and substituting in lieu thereof the word "eight".

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	McDonald	Smith
Barron	Hall	Miller	Taylor
Britnell	Harrison	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Lemaster	Robertson	White
Denton			

—24

Vays: —0

And said Bill, S.B. 179, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

Yeas:

Messrs.:	deGraffenried	Kirkland	Pearson
Bailey	Denton	Lemaster	St. John
Barron	Goodwin	Little	Smith
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Vacca
Clemon	Harrison	Miller	Weeks
Cook	Holmes	Parsons	White

—27

Vays: —0

On motion of Mr. Callahan, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. Gulledge, the Rules were suspended and the Bill:

S. 512. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays and providing for bank closings on certain holidays so as to change the date on which state banks may be closed in observance of National Memorial Day.

was taken up.

And said Bill, S. B. 512, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Kirkland	Proctor
Bailey	Denton	Lemaster	St. John
Barron	Gulledge	Little	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	McDonald	Teague
Clemon	Holmes	Mitchem	Vacca
Cook	Keener	Pearson	Weeks

—27

*Nays:*

—0

On motion of Mr. Gulledge, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. Cook, the Rules were suspended and the Bill:

S. 374. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

was taken up.

And said Bill, S.B. 374, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Clemon	Keener	Parsons	Teague
Cook	Kirkland	Pearson	Vacca
deGraffenried	Lemaster	Proctor	White
Denton			

—24

*Nays:*

—0

REGULAR SESSION  
27th Day

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On motion of Mr. Cook, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. Cook, the Rules were suspended and the Bill:

S. 375. To amend § 27-2-31, Code of Alabama 1975 extending the immunity from civil liability of the Commissioner of Insurance for negligent acts on his part in performing his required and discretionary duties.

was taken up.

And said Bill, S.B. 375, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Kirkland	Robertson
Bailey	Denton	Little	St. John
Barron	Goodwin	McDonald	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Hall	Parsons	Teague
Clemon	Harrison	Pearson	Vacca
Cook	Holmes	Proctor	White

—27

*Nays:*

—0

On motion of Mr. Cook, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. Cook, the Rules were suspended and the Bill:

S. 376. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

was taken up.

And said Bill, S.B. 376, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	deGraffenreid	Kirkland	Proctor
Bailey	Denton	Little	Smtih
Barron	Goodwin	McDonald	Taylor
Britnell	Gulledge	Miller	Teague
Callahan	Hall	Mitchem	Vacca
Clemon	Harrison	Parsons	White
Cook	Holmes	Pearson	

—26

*Nays:*

—0

On motion of Mr. Cook, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. Bailey, the Rules were suspended and the Bill:

S. 141. To amend § 36-7-21, Code of Alabama 1975 to exempt certain examiners of the State Department of Insurance in examinations of insurers conducted outside of the State of Alabama.

was taken up.

And said Bill, S. B. 141, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Denton	Little	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Robertson	White	
Cook	Kirkland	St. John		—22

Nays:

—0

On motion of Mr. Bailey, Rule 35 was suspended to allow transmittal to the House of the above Bill.

The Bill:

S. 563. To provide for the minimum compensation for all deputy sheriffs of the several counties of the state.

was taken up.

On motion of Mr. Bailey, further consideration of the Bill, S. B. 563, was postponed temporarily.

On motion of Mr. Little, the Rules were suspended and the Bill:

S. 305. To provide for a durable power of attorney that may survive incompetency or until actual knowledge of death of the principal.

was taken up.

And said Bill, S. B. 305, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Goodwin	Kirkland	Smith	
Bailey	Gulledge	Little	Taylor	
Barron	Hall	Martin	Teague	
Britnell	Harrison	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Cook	Keener	Robertson	White	
Denton				—24

Nays:

—0

Mr. St. John requested and received unanimous consent to add the name of Mr. Little as co-sponsor of the above Bill.



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On motion of Mr. St. John, Rule 35 was suspended to allow transmittal to the House of the above Bill.

ADJOURNMENT

At 11:40 P.M., on motion of Mr. Keener, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Tuesday, May 6, 1980, at 2 o'clock P.M.

Yeas 14; Nays 12.

*Yeas:*

Messrs.:	Little	Robertson	Vacca	
Callahan	McDonald	St. John	Weeks	
Hall	Miller	Taylor	White	
Keener	Parsons	Teague		—14

*Nays:*

Messrs.:	Cook	Harrison	Martin	
Bailey	Denton	Holmes	Mitchem	
Barron	Gulledge	Kirkland	Smith	
Britnell				—12

## TWENTY-EIGHTH LEGISLATIVE DAY

TUESDAY, MAY 6, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Ed Creech, Assistant Minister, Hunter Station Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

—34

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Seventh Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Seventh Legislative Day was approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Clemon for today.

## BILL RE-REFERRED

Mr. deGraffenried, Vice Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following Bill, H. B. 709, and ordered same returned to the Senate with the recommendation that it be re-referred to another Committee.

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And the President and Presiding Officer of the Senate ordered said Bill, H. B. 709, re-referred to the Standing Committee on Governmental Affairs.

LOCAL BILLS ON THIRD READING

The Bill:

S. 622. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide that nothing herein contained shall amend, alter or rearrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owner by the Shelby County Board of Education.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Figures	Lemaster	Pearson
Barron	Glass	Little	St. John
Britnell	Gulledge	Martin	Taylor
Callahan	Hall	McDonald	Teague
Cook	Harrison	Miller	Vacca
deGraffenried	Keener	Parsons	White
Denton	Kirkland		
			—25

Vay: Mr. Proctor —1

The Bill:

S. 569. Relating to Tuscaloosa County, to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Lemaster	Pearson
Bailey	Goodwin	Little	Robertson
Barron	Hall	Martin	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Vacca
deGraffenried	Keener	Parsons	Weeks
Figures	Kirkland		
			—25

Nays: —0

The Bill:

S. 606. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

S. 607. To provide an expense allowance for certain city employees of Attalla.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Gulledge	Pearson	Vacca	
Callahan	Hall	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

S. 608. To provide the members of the Etowah County board of registrars with an additional per diem supplement.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Smith	
Bailey	Glass	Little	Taylor	
Barron	Goodwin	Martin	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Pearson	Weeks	
Cook	Harrison	Proctor	White	
Denton	Keener			—25

*Nays:* —0

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The Bill:

S. 609. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Etowah County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

—25

Nays: —0

The Bill:

S. 610. To amend Section 1 of Act No. 710, H. 1102 (1976 Regular Session) (Acts 1976 p. 990) an act providing for the minimum compensation for all Deputy Sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Callahan	Keener	Pearson	Vacca
Cook	Lemaster	Proctor	Weeks
Figures	Little	St. John	White
Glass	Martin		

—25

Nays: —0

The Bill:

S. 611. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Little	St. John	White	
Denton	McDonald			—25

*Nays:*

—0

The Bill:

S. 612. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Callahan	Kirkland	Proctor	Weeks	
Cook	McDonald	St. John	White	
Denton				—25

*Nays:*

—0

The Bill:

S. 613. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Little			—25

*Nays:*

—0

The Bill:

S. 614. Relating to Calhoun and Talladega Counties; to alter, rearrange and extend the boundary lines and corporate limits of the City of Oxford in said counties.

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was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Weeks	
Cook	Holmes	Parsons	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

S. 615. Relating to Shelby County; providing for an increase in salary for the part-time baliffs of said county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

S. 617. Relating to Etowah County; setting the compensation of supernumerary district attorneys and providing for a supplement from the general funds of such county under certain circumstances.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	McDonald	Teague	
Britnell	Harrison	Mitchem	Vacca	
Callahan	Higginbotham	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

S. 618. To amend Section 1 of Act No. 388, H. 979, 1978 Regular Session, entitled "An Act Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds, so as to increase the salaries of the deputies of the sheriff's department."

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Harrison	Miller	Taylor	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Lemaster			—25

Nays: —0

The Bill:

S. 621. Relating to Colbert County; to provide for the establishment of fees by the county commission based upon, but not bound by recommendations of the county board of health for public health services.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	Weeks	
Glass	Little	St. John	White	
Goodwin	McDonald			—25

Nays: —0

The Bill:

S. 623. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.



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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

*Vays:* —0

The Bill:

S. 624. To alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

*Vays:* —0

The Bill:

S. 625. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
deGraffenried	Little		

—25

*Vays:* —0

## RULE 35 SUSPENDED

On motion of Mr. St. John, Rule 35 was suspended to allow transmittal to the House of the above Senate Local Bills.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Goodwin	McDonald	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Goodwin	McDonald	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

Nays: —0

The Bill:

H. 932. Proposing an amendment to the Constitution of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

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was read a third time at length as required by the Constitution, and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Higginbotham	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City police jurisdiction, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith
Bailey	Glass	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Britnell	Higginbotham	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Little	St. John	White
Denton	McDonald		

—25

*Nays:* —0

The Bill:

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts. p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Britnell	Denton	Goodwin
Bailey	Callahan	Figures	Gulledge
Barron	Cook	Glass	Hall

Holmes	McDonald	Proctor	Vacca	
Keener	Mitchem	Smith	Weeks	
Lemaster	Parsons	Teague	White	
Little	Pearson			—25

*Nays:* —0

The Bill:

H. 1012. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Higginbotham	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Little	St. John	White	
Denton	McDonald			—25

*Nays:* —0

The Bill:

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost therefor, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Hall	Miller	Taylor	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

was read a third time at length and passed.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Robertson	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Little	Robertson	White
Denton	Martin		

—25

*Nays:* —0

The Bill:

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month. was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

Nays:

—0

The Bill:

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Goodwin	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Britnell	Keener	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

Nays:

—0

The Bill:

H. 1043. Relating to Clay County; providing further for the compensation of election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Kirkland	Proctor	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

Nays:

—0

The Bill:

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		
			—25

Nays: —0

The Bill:

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Miller	Smith
Bailey	Glass	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Little	St. John	White
Denton	McDonald		
			—25

Nays: —0

The Bill:

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Gulledge	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Little	St. John	White	
Denton	Martin			—25

*Nays:* —0

The Bill:

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection.



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distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith
Bailey	Glass	Mitchem	Taylor
Barron	Gulledge	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Little	St. John	White
Denton	Martin		

—25

*Nays:* —0

The Bill:

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Little	Robertson	White
Denton	Martin		

—25

*Nays:* —0

The Bill:

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Robertson	White	
Denton	Little			—25

Nays: —0

The Bill:

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Little	Robertson	White	
Denton	Martin			—25

Nays: —0

The Bill:

H. 654. To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 654, to-wit:

COMMITTEE AMENDMENT TO H. B. 654

Amend H. B. 654, page 1, Section 2, line 11, by striking the words and figure

Thirty Thousand Dollars (\$30,000.00) and inserting in lieu thereof the following:

Twenty-seven Thousand Five Hundred (\$27,500.00)

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Glass	Little	Proctor	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Holmes	Miller	Vacca	
Cook	Keener	Parsons	White	
Denton	Kirkland			—25

*Nays:* —0

And said Bill, H. B. 654, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Glass	Little	Proctor	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Holmes	Miller	Vacca	
Cook	Keener	Parsons	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

S. 626. Relating to Jefferson County; to regulate further the taking of fish from public streams and impounded waters in such county except in municipal parks; authorizing the taking of non-game fish by the use of wire mesh baskets, on which a privilege license tax has been paid; prohibiting the sale of fish so taken; prescribing penalties for violation of this Act.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Glass	Little	Proctor	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Holmes	Miller	Vacca	
Cook	Keener	Parsons	White	
Denton	Kirkland			—25

*Nays:* —0

## The Bill:

S. 603. Relating to Jefferson County; to authorize and empower the county commission to formulate and administer a plan whereby certain county employees may purchase up to ten years credit in the county retirement system for certain past service to the county.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Lemaster	Pearson	
Bailey	Glass	Little	Proctor	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	McDonald	Taylor	
Callahan	Holmes	Miller	Vacca	
Cook	Keener	Parsons	White	
Denton	Kirkland			—25

## Nays:

—0

On motion of Mr. White, Rule 35 was suspended to allow transmittal to the House of the above Senate Local Bills.

## The Bill:

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Hall	McDonald	Smith	
Britnell	Holmes	Miller	Teague	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Pearson	White	
Denton	Lemaster			—25

## Nays:

—0

## The Bill:

H. 906. Relating to Marion County; to amend Act No. 80-126, H. B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

was read a third time at length and passed.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Britnell	Keener	Parsons	Teague
Cook	Lemaster	Pearson	Vacca
Denton	Little	Proctor	Weeks
Figures	Martin	St. John	White
Glass	McDonald		

—25

*Nays:* —0

The Bill

H. 1023. Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	Miller	Smith
Britnell	Gulledge	Mitchem	Taylor
Callahan	Hall	Parsons	Teague
Cook	Holmes	Pearson	Weeks
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 1024. Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	St. John
Barron	Goodwin	Martin	Smith
Britnell	Gulledge	Miller	Taylor
Callahan	Hall	Parsons	Teague
Cook	Holmes	Pearson	Weeks
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 1025. Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Hall	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
Cook	Lemaster	Pearson	Weeks	
Denton	Little			—25
				—0

*Nays:*

The Bill:

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Smith	
Bailey	Holmes	Mitchem	Taylor	
Britnell	Keener	Parsons	Teague	
Cook	Kirkland	Pearson	Vacca	
Denton	Little	Proctor	Weeks	
Glass	Martin	St. John	White	
Gulledge	McDonald			—25

*Nays:*

The Bill:

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith	
Bailey	Gulledge	McDonald	Taylor	
Britnell	Hall	Miller	Teague	
Cook	Holmes	Parsons	Vacca	
Denton	Keener	Proctor	Weeks	
Figures	Lemaster	St. John	White	
Glass	Little			—25

*Nays:*

The Bill:

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

was read a third time at length and passed.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Martin	Taylor
Britnell	Hall	Miller	Teague
Cook	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Figures	Kirkland	Proctor	White
Glass	Lemaster		

—25

*Nays:* —0

The Bill:

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	Miller	Smith
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
Denton	Kirkland		

—25

*Nays:* —0

The Bill:

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	McDonald	Smith
Bailey	Hall	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Britnell	Keener	Parsons	Vacca
Callahan	Lemaster	Proctor	Weeks
deGraffenried	Little	St. John	White
Figures	Martin		

—25

*Nays:* —0

The Bill:

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Barron	Holmes	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Callahan	Lemaster	Proctor	Weeks	
deGraffenried	Little	St. John	White	
Figures	Martin			—25

*Nays:* —0

The Bill:

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Hall	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
Cook	Lemaster	Pearson	Weeks	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all county and municipal sales and use taxes.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Proctor	
Bailey	Hall	McDonald	St. John	
Barron	Holmes	Miller	Smith	
Britnell	Keener	Mitchem	Taylor	
Callahan	Kirkland	Parsons	Teague	
Cook	Lemaster	Pearson	Weeks	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

was read a third time at length and passed.



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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Little	Proctor	White
Denton	Martin		

—25

*Nays:* —0

The Bill:

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762) relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 340. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

was taken up.

Mr. Parsons offered the following amendment to the Bill, H. B. 340, to-wit:

AMENDMENT TO H. B. 340

Amend H. B. 340 as substituted and amended, on page 2, Section 1 (a), line 8, by deleting after the word "elected" the following:

"Such officials shall satisfy the same qualifications of those offices in the Jefferson County Courthouse located in Birmingham. This provision shall not apply to any person holding one of these offices at the time this act may become law."

Also on page 2, section 1, line 31, by deleting after the word "vacancy" the following:

"Those voting for the election of the assistant tax collector, assistant tax assessor, deputy treasurer, and assistant probate judge in the Bessemer Court House shall not vote in the elections of the principal county officers."

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	Miller	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Kirkland			—25

*Nays:* —0

And said Bill, H. B. 340, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor	
Bailey	Goodwin	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	Miller	Vacca	
Cook	Holmes	Parsons	Weeks	
Denton	Keener	Pearson	White	
Figures	Kirkland			—25

*Nays:* —0

## RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 193. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-eighth legislative day only:

Bill No.	Page No.	Description
H. B. 533	134	General Fund Budget
H. B. 293	138	Sales Tax
H. B. 492	139	Driver License
H. B. 904	128	Driver License Fee
H. B. 697	127	Coal Severance Tax

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H. B. 523	109	Liquor Tax
H. B. 440	137	ABC Licensing Code
H. B. 665	87	Cigarette Papers
S. B. 423	37	Medicaid, Empl's & teachers, SETF, balance alt.
S. B. 115	98	LEO, Guaranteed Min. Wage
S. B. 544	146	Univ. of Ala.-B'ham, Ophthalmology
S. B. 213	107	Firefighters, stds-ed. comm.
S. B. 620	172	Legislative Wives and Husbands Club
S. B. 592	116	Relating to class 3 muni.
S. B. 245	30	AL Student Loan auth.
S. B. 219	88	Military, retirement income, exempt
S. B. 546	105	Auctioneer, Lic.
S. B. 403	140	Trucks, Liq. Pet. Gas Fuel, fees
S. B. 404	140	Motor fuels, exclude distillate or liq. gas
S. B. 578	114	Court Costs in civil or criminal cases, Gov. Body
S. B. 149	113	SETF, Distr. of Funds to Replace Fees
S. B. 364	61	Public Warehouses

On motion of Mr. McDonald, the Resolution was adopted by the Senate.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 194. COMMENDING COACH GUY SAWYER, RECENTLY NAMED HEAD FOOTBALL COACH AT FLOMATON HIGH SCHOOL.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 112. CREATING THE LAWRENCE COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 181. CREATING THE JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION.

Also:

S. J. R. 180. NAMING THE ALABAMA NATIONAL GUARD ARMORY, NOW UNDER CONSTRUCTION AT ARAB, ALABAMA, IN HONOR OF COLONEL WILBUR B. FOWLER, RETIRED.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

Mr. White requested and received unanimous consent to take up the Bill:

S. 544. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

And said Bill, S. B. 544, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Robertson
Bailey	Harrison	McDonald	St. John
Barron	Higginbotham	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
Cook	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	Weeks
Glass	Little	Proctor	White

—27

*Nays:*

—0

On motion of Mr. White, Rule 35 was suspended to allow transmittal to the House of the above Bill.

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Arthur Tonsmeire to the Board of Trustees of the University of South Alabama.

On motion of Mr. Glass, the appointment of Mr. Tonsmeire was confirmed by the Senate.

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Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	Robertson	
Barron	Harrison	McDonald	St. John	
Callahan	Holmes	Mitchem	Smith	
deGraffenried	Keener	Parsons	Taylor	
Denton	Kirkland	Pearson	Weeks	
Glass	Lemaster	Proctor	White	
Goodwin				—24

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Messrs. James W. Johnston, Jr., Robert H. McSwain, J. E. Barnard, Rex Pinkard, Albert Williams, John R. Stephenson, and James E. Lankford to the Credit Union Board of Bureau of Credit Unions.

On motion of Mr. McDonald, the appointment of Mr. Johnston was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson	
Barron	Gulledge	McDonald	St. John	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
				—27

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. McSwain was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson	
Barron	Gulledge	McDonald	St. John	
Britnell	Hall	Miller	Taylor	
Callahan	Harrison	Mitchem	Teague	
Cook	Holmes	Parsons	Vacca	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
				—27

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Barnard was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Barron	Gulledge	McDonald	St. John
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White

—27

*Nays:*

—0

On motion of Mr. McDonald, the appointment of Mr. Pinkard was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Barron	Gulledge	McDonald	St. John
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White

—27

*Nays:*

—0

On motion of Mr. McDonald, the appointment of Mr. Williams was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Barron	Gulledge	McDonald	St. John
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White

—27

*Nays:*

—0

On motion of Mr. McDonald, the appointment of Mr. Stephenson was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Barron	Gulledge	McDonald	St. John
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White

—27

*Nays:*

—0

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On motion of Mr. McDonald, the appointment of Mr. Lankford was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Barron	Gulledge	McDonald	St. John
Britnell	Hall	Miller	Taylor
Callahan	Harrison	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White

—27

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Messrs. Joe C. McCorquodale, Jr., Winston Wise, Leigh Pegues, Ira Drayton Pruitt, Jr., and John Dobbins to the Board of Trustees of Livingston University.

On motion of Mr. Robertson, the appointment of Mr. McCorquodale was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	Robertson
Barron	Gulledge	Kirkland	St. John
Cook	Hall	Little	Vacca
deGraffenried	Harrison	McDonald	White.
Denton	Higginbotham	Miller	

—20

*Nays:* —0

On motion of Mr. Robertson, the appointment of Mr. Wise was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	Pearson
Barron	Gulledge	Kirkland	Robertson
Cook	Hall	Little	St. John
DeGraffenried	Harrison	McDonald	Vacca
Denton	Higginbotham	Miller	White

—20

*Nays:* —0

On motion of Mr. Robertson, the appointment of Mr. Pegues was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Pearson	
Barron	Gulledge	Kirkland	Robertson	
Cook	Hall	Little	St. John	
deGraffenried	Harrison	McDonald	Vacca	
Denton	Higginbotham	Miller	White	
Glass				—20

Nays:

—0

On motion of Mr. Robertson, the appointment of Mr. Pruitt was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Pearson	
Barron	Gulledge	Kirkland	Robertson	
Cook	Hall	Little	St. John	
deGraffenried	Harrison	McDonald	Vacca	
Denton	Higginbotham	Miller	White	
Glass				—20

Nays:

—0

On motion of Mr. Robertson, the appointment of Mr. Dobbins was confirmed by the Senate.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Goodwin	Holmes	Pearson	
Barron	Gulledge	Kirkland	Robertson	
Cook	Hall	Little	St. John	
deGraffenried	Harrison	McDonald	Vacca	
Denton	Higginbotham	Miller	White	
Glass				—20

Nays:

—0

## BILLS ON THIRD READING RESUMED

On motion of Mr. White, the Rules were suspended and the Bill:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the



finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, H. B. 576, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 576

A BILL  
TO BE ENTITLED  
AN ACT

To further provide for Capitol security police officers; to provide that the director of public safety shall employ, supervise and direct such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; to provide that the director of finance shall furnish suitable office space for such security officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-180 of the Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-4-180. There shall be in the department of finance the division of service. The functions and duties of the division of service shall be as follows:

"(1) To provide for the stamping and mailing for each state department, board, bureau, commission, agency and office located and operating in the city of Montgomery and to operate a central mailing room or rooms and service for said departments, boards, bureaus, commissions, agencies and offices. The director of finance shall direct the delivery of mail to such mailing room or rooms by such of said departments, boards, bureaus, commissions, agencies and officers offices as he may see fit, ready to be delivered to the United States post office, except that it shall not be stamped with postage stamps or by means of a postage meter. Every piece of mail, when so delivered, shall bear the name of the department, board, bureau, commission,

agency or office of the state sending it, and all mail received in a mailing room shall be properly stamped with postage stamps or passed through an authorized postage meter and then delivered to the United States post office. The chief of the division of service shall cause an accurate account to be kept of all pieces of mail from and the postage used on account of each department, board, bureau, commission, agency and office of the state, and the cost of such postage shall be charged by the comptroller against its appropriation for such purpose. Such central mailing rooms shall be conveniently located and shall be kept open for business as long as may be necessary to dispose of all outgoing mail daily. The expenditure of any state funds for postage by any department, board, bureau, commission, agency or office of the state required to deliver its mail to a central mailing room (other than the department of finance) shall be unlawful. This section shall not, however, prevent the stamping or metering of envelopes for the transmittal of unemployment compensation warrants and warrants for the payment of any public assistance benefits in, or the mailing of such envelopes from, the department or departments having charge of the other functions and duties relating to unemployment compensation and public assistance.

"(2) To provide exclusively for all telephone service for each state department, board, bureau, commission, agency and office located and operating in the city of Montgomery and make all contracts and agreements in relation to the telephone service to each of the departments, boards, bureaus, commissions, agencies and offices of the state located and operating in the city of Montgomery. Insofar as practicable, all telephones shall be connected through a central switchboard or switchboards, into which there may be as many trunk lines as the business of the state justifies. The telephone expense of each such department, board, bureau, commission, agency or office of the state shall be charged by the comptroller against its appropriation for such purpose.

"(3) To provide exclusively for all clerical and stenographic services to all state departments, boards, bureaus, commissions, agencies and offices located in the city of Montgomery for part-time or emergency needs, and to operate and maintain a central clerical and stenographic pool for the purpose of providing each department, board, bureau, commission, agency and office of the state located and operating in the city of Montgomery with all part-time and emergency employees.

"(4) To manage, supervise, maintain, repair, improve, light, heat and clean the capitol and all buildings and property owned or leased by the state in the city of Montgomery, including monuments and historical sites. In any case in which an appropriation has been or shall be made for such purposes to any department, board, bureau, commission, agency or office of the state for such purpose, the expenses of such services for buildings or property used by it shall be charged by the comptroller to such department, board, bureau, commission, agency or office.

"(5) With the approval of the governor, to allocate space in the capitol and in all buildings owned or leased by the state in the city of Montgomery for the use of the departments, boards, bureaus, commissions, agencies and offices of the state.

"(6) To provide a guard, watchman and police service for the capitol and the other buildings and property owned or leased by the state and located in the city of Montgomery.

"(7) (6) With the approval of the governor, to transfer between departments, boards, bureaus, commissions, agencies, offices and institutions of the state any furniture, fixtures, supplies, material, equipment or other personal property.

"(8) (7) To sell, exchange or otherwise dispose of any personal property of the state determined by the director of finance not to be needed for public use or to have become unsuited for such use.

"(9) (8) To perform such other functions and duties of the department of finance as may from time to time be assigned, by the director of finance."

Section 2. (a) The Director of Public Safety shall employ or designate the necessary capitol security officers to preserve order and protect and save from injury state employees and property at the capitol and all other state buildings and buildings occupied by state departments and agencies in the county of Montgomery, and they shall prescribe their duties.

(b) Provided, however, the Legislative Fiscal Committee shall designate the capitol security police chief to supervise and direct such capitol security officers as the committee shall prescribe. The persons presently employed and functioning in their positions as capitol security officers, who are members of the State merit system or who are on provisional appointment, shall be encompassed within this act, including all persons performing the duties of officers, supervisors and capitol security police chief, and they shall continue to receive the benefits, salary range and advancement at no less than those enjoyed prior to the passage of this act. Such present employees remaining in their respective positions shall be considered to meet the requirements of the department of public safety in terms of education, training and experience, and shall automatically be placed within the state merit system with all the rights and privileges thereof and shall enjoy the same employment and retirement privileges and rights as the legislature may determine from time to time or as may be otherwise determined by law or administrative rule or regulation according to the rules and regulations of the personnel department of the State of Alabama. Provided, however, all present and future capitol security policemen shall meet the Alabama minimum standards for law enforcement officers. However, nothing in this act shall be construed to prohibit the removal of any capitol security officer for cause in the manner provided by law for employees of the department of public safety classified as state trooper or state highway patrolman. Said capitol security officers shall be entitled to the same insurance coverage as prescribed in Section 32-2-10 of the Code of Alabama 1975, and retirement as for employees of the department of public safety in their like responsibilities.

Section 3. All capitol security officers are invested with all powers, rights and privileges of peace officers and shall have powers of arrest and preservation of order. The first responsibility of such officers shall be the security and preservation of order in the capitol and grounds and all other state buildings and buildings occupied by state departments and agencies in the county of Montgomery and preventing injury to the property of the state. The director of public safety shall designate the type and manner of uniform for such officers and furnish such security officers with firearms, ammunition and other equipment necessary to perform their duties.

Section 4. There is hereby appropriated from the general fund of the state treasury a supplemental appropriation in the amount of \$246,000 for the fiscal year ending September 30, 1980, to the department of public safety

for the purposes of capitol security; such amount shall be subtracted from any appropriation heretofore or hereafter made to the department of finance for the said fiscal year. It is the intent of this section to transfer all funds allocated in the department of finance for capitol security purposes for the current fiscal year.

Section 5. There is hereby appropriated from the general fund of the state treasury a supplemental appropriation in the amount of \$469,000, for the fiscal year ending September 30, 1981, to the department of public safety for the purposes of capitol security; such amount shall be subtracted from any appropriation heretofore or hereafter made to the department of finance of the said fiscal year. Is the intent of this section to transfer all funds allocated in the department of finance for capitol security purposes for the fiscal year ending September 30, 1981.

Section 6. The appropriations made in Sections 4 and 5 of this act shall be in addition to any and all funds heretofore or hereafter appropriated to the department of public safety.

Section 7. All materials, equipment, vehicles or other property of whatsoever nature heretofore and presently used or designated for use of the capitol security policemen shall be transferred forthwith to the department of public safety.

Section 8. The director of finance shall furnish suitable office space in the state capitol building for capitol security personnel which is equal to or better than the space provided prior to the passage of this act.

Section 9. Effective on the date of passage of this act the finance director shall have no further jurisdiction, authority or control over the said capitol security personnel.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, are hereby specifically repealed, and all laws or parts of laws which are in conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. White, said substitute was laid on the table.

Mr. White then offered the following substitute for the Bill, H. B. 576, to-wit:

#### SENATE SUBSTITUTE FOR H. B. 576

#### A BILL TO BE ENTITLED AN ACT

To further provide for Capitol security police officers; to provide that the director of public safety shall employ such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; for the purposes of this Act only to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; for purposes of this Act only to provide that the director of

finance shall furnish suitable office space for such security police officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security police for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-4-180 of the Code of Alabama 1975, is hereby amended to read as follows:

"Section 41-4-180. There shall be in the department of finance the division of service. The functions and duties of the division of service shall be as follows:

"(1) To provide for the stamping and mailing for each state department, board, bureau, commission, agency and office located and operating in the city of Montgomery and to operate a central mailing room or rooms and service for said departments, boards, bureaus, commissions, agencies and offices. The director of finance shall direct the delivery of mail to such mailing room or rooms by such of said departments, boards, bureaus, commissions, agencies and officers offices as he may see fit, ready to be delivered to the United States post office, except that it shall not be stamped with postage stamps or by means of a postage meter. Every piece of mail, when so delivered, shall bear the name of the department, board, bureau, commission, agency or office of the state sending it, and all mail received in a mailing room shall be properly stamped with postage stamps or passed through an authorized postage meter and then delivered to the United States post office. The chief of the division of service shall cause an accurate account to be kept of all pieces of mail from and the postage used on account of each department, board, bureau, commission, agency and office of the state, and the cost of such postage shall be charged by the comptroller against its appropriation for such purpose. Such central mailing rooms shall be conveniently located and shall be kept open for business as long as may be necessary to dispose of all outgoing mail daily. The expenditure of any state funds for postage by any department, board, bureau, commission, agency or office of the state required to deliver its mail to a central mailing room (other than the department of finance) shall be unlawful. This section shall not, however, prevent the stamping or metering of envelopes for the transmittal of unemployment compensation warrants and warrants for the payment of any public assistance benefits in, or the mailing of such envelopes from, the department or departments having charge of the other functions and duties relating to unemployment compensation and public assistance.

"(2) To provide exclusively for all telephone service for each state department, board, bureau, commission, agency and office located and operating in the city of Montgomery and make all contracts and agreements in relation to the telephone service to each of the departments, boards, bureaus, commissions, agencies and offices of the state located and operating in the city of Montgomery. Insofar as practicable, all telephones shall be connected through a central switchboard or switchboards, into which there may be as

many trunk lines as the business of the state justifies. The telephone expense of each such department, board, bureau, commission, agency or office of the state shall be charged by the comptroller against its appropriation for such purpose.

"(3) To provide exclusively for all clerical and stenographic services to all state departments, boards, bureaus, commissions, agencies and offices located in the city of Montgomery for a part-time or emergency needs, and to operate and maintain a central clerical and stenographic pool for the purpose of providing each department, board, bureau, commission, agency and office of the state located and operating in the city of Montgomery with all part-time and emergency employees.

"(4) To manage, supervise, maintain, repair, improve, light, heat and clean the capitol and all buildings and property owned or leased by the state in the city of Montgomery, including monuments and historical sites. In any case in which an appropriation has been or shall be made for such purposes to any department, board, bureau, commission, agency or office of the state for such purpose, the expenses of such services for buildings or property used by it shall be charged by the comptroller to such department, board, bureau, commission, agency or office.

"(5) With the approval of the Governor, to allocate space in the capitol and in all buildings owned or leased by the state in the city of Montgomery for the use of the departments, boards, bureaus, commissions, agencies and offices of the state.

"(6) To provide a guard, watchman and police service for the capitol and the other buildings and property owned or leased by the state and located in the city of Montgomery.

"(7) (6) With the approval of the governor, to transfer between departments, boards, bureaus, commissions, agencies, offices and institutions of the state any furniture, fixtures, supplies, material, equipment or other personal property.

"(8) (7) To sell, exchange or otherwise dispose of any personal property of the state determined by the director of finance not to be needed for public use or to have become unsuited for such use.

"(9) (8) To perform such other functions and duties of the department of finance as may from time to time be assigned, by the director of finance."

Section 2. (a) The Director of Public Safety shall employ the necessary capitol security police officers to preserve order and protect and save from injury state employees and property at the capitol and all other state buildings and buildings occupied by state departments and agencies in the State of Alabama.

(b) Provided, however, the Legislative Fiscal Committee shall designate the capitol security police chief to supervise and direct such capitol security police officers, and to prescribe their duties. The persons presently employed and functioning in their positions as capitol security officers, who are members of the State merit system or who are on provisional appointment, shall be encompassed within this act, including all persons performing the duties of officers, supervisors and capitol security police chief, and they shall continue to receive the benefits, salary range and advancement at no less than those enjoyed prior to the passage of this act. Such present employees remaining in their respective positions shall be considered to meet the requirements of the Capitol Security Police Department in terms of education, training and experience, and shall automatically be placed within the

state merit system with all the rights and privileges thereof and shall enjoy the same employment and retirement privileges and rights as the legislature may determine from time to time or as may be otherwise determined by law or administrative rule or regulation according to the rules and regulations of the personnel department of the State of Alabama. Provided, however, all present and future capitol security policemen shall meet the Alabama minimum standards for law enforcement officers. However, nothing in this act shall be construed to prohibit the removal of any capitol security police officer for cause in the manner provided by law for employees of the department of public safety classified as state trooper or state highway patrolman. Said capitol security police officers shall be entitled to the same insurance coverage as prescribed in Section 32-2-10 of the Code of Alabama 1975, and retirement as for employees of the department of public safety in their like responsibilities.

Section 3. All capitol security police officers are invested with all powers, rights and privileges of peace officers and shall have powers of arrest and preservation of order. The first responsibility of such officers shall be the security and preservation of order in the capitol and grounds and all other state buildings and buildings occupied by state departments and agencies in the State of Alabama and preventing injury to the property of the state. The Capitol Security Police Chief shall designate the type and manner of uniform for such officers and the Director of Public Safety shall furnish such security police officers with firearms, ammunition and other equipment necessary to perform their duties.

Section 4. There is hereby appropriated from the general fund of the state treasury a supplemental appropriation in the amount of \$195,500 for the fiscal year ending September 30, 1980, to the department of public safety for the purposes of capitol security police; such amount shall be subtracted from any appropriation heretofore or hereafter made to the department of finance for the said fiscal year. It is the intent of this section to transfer all funds allocated in the department of finance for capitol security police purposes for the current fiscal year.

Section 5. There is hereby appropriated from the general fund of the state treasury a supplemental appropriation in the amount of \$500,000 for the fiscal year ending September 30, 1981, to the department of public safety for the purposes of this act only and for no other. Such amount shall be subtracted from any appropriation heretofore or hereafter made to the department of finance of the said fiscal year. It is the intent of this section to transfer all funds allocated in the department of finance for capitol security police purposes for the fiscal year ending September 30, 1981.

Section 6. The appropriations made in Sections 4 and 5 of this act shall be in addition to any and all funds heretofore or hereafter appropriated to the department of public safety. From the appropriation made to the department of public safety pursuant to this act, the department of public safety shall receive \$5,000 as administrative costs for administering this act.

Section 7. All materials, equipment, vehicles or other property of whatsoever nature heretofore and presently used or designated for use of the capitol security police department shall be transferred forthwith to the department of public safety for purposes of this act only.

Section 8. The director of finance shall furnish suitable office space in the state capitol building for capitol security police personnel which is equal to or better than the space provided prior to the passage of this act.

Section 9. Effective on the date of passage of this act the finance director shall have no further jurisdiction, authority or control over the said capitol security police personnel.

Section 10. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 11. Sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, are hereby specifically repealed, and all laws or parts of laws which are in conflict with this act are hereby repealed.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Glass	Lemaster	Robertson	
Barron	Goodwin	Little	St. John	
Britnell	Gulledge	Miller	Teague	
Callahan	Hall	Mitchem	Vacca	
Cook	Higginbotham	Parsons	White	
deGraffenried	Holmes			—25

*Nays:* —0

And said Bill, H. B. 576, as thus amended by the substitute, was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	Pearson	
Bailey	Glass	Holmes	Proctor	
Barron	Goodwin	Little	Robertson	
Britnell	Gulledge	McDonald	St. John	
Cook	Hall	Miller	Vacca	
deGraffenried	Harrison	Parsons	White	
				—23

*Nays:* —0

### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mrs. Annie Laura Parker, Mr. J. Pelham Ferrell, Mr. Clyde Foster, Mr. Steve Means, Mr. Jack F. Rainer, Mr. Jim Oakley, Mr. John M. Harbert, Mr. Jimmy Faulkner, Mrs. Claude Burke, Mrs. Michael Callahan, Mr. Ken L. Lott, and Mr. Bob Word to the Commission on Higher Education.



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On motion of Mr. McDonald, the appointment of Mrs. Parker was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Ferrell was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Foster was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Means was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Britnell	deGraffenried	Gulledge
Bailey	Callahan	Denton	Hall
Barron	Cook	Figures	Harrison

Higginbotham	Little	Pearson	Teague
Holmes	McDonald	Robertson	Vacca
Keener	Miller	St. John	White
Kirkland	Mitchem		

—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Rainer was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson
Bailey	Figures	Kirkland	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	White
deGraffenried	Holmes		

—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Oakley was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson
Bailey	Figures	Kirkland	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	White
deGraffenried	Holmes		

—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Harbert was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson
Bailey	Figures	Kirkland	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	McDonald	Teague
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	White
deGraffenried	Holmes		

—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Faulkner was confirmed by the Senate.

REGULAR SESSION  
28th Day

1595

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mrs. Burke was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mrs. Callahan was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Lott was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Word was confirmed by the Senate.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Pearson	
Bailey	Figures	Kirkland	Robertson	
Barron	Gulledge	Little	St. John	
Britnell	Hall	McDonald	Teague	
Callahan	Harrison	Miller	Vacca	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—25

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Also:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

JOHN W. PEMBERTON,  
Clerk.

#### REPORTS OF COMMITTEES

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with substitute, with amendments, and it was read a second time and placed on the calendar, to-wit:

By Rep. Manley (With Substitute) (With Amendments):

H. 287. To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 40-23-4, Code of Alabama 1975, as amended, so as to remove the exemption for the gross proceeds of the lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama, 1975, as amended, which are otherwise taxed, and to provide for further exemptions for such products sold to certain individuals

over the age of 65, such products used for agricultural purposes, the gross proceeds for certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol, the gross proceeds from the sales of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft; to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; to further amend Section 40-23-35, Code of Alabama 1975, so as to provide further for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975; to provide legislative intent that sales tax on motor fuel and gasoline be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps and that the Department of Revenue promulgate rules, regulations and procedures to accomplish such intent.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Manley:

H. 288. To further amend Section 40-23-62, Code of Alabama, 1975, as amended, to remove the exemption for the use, storage or other consumption of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended, which are otherwise taxed; and to provide for further exemptions for such products used for the propulsion of aircraft and for motor fuel as defined in Section 40-17-140, Code of Alabama, 1975, when such motor fuel is subject to the Motor Carrier Fuel Tax levied in Section 40-17-141, Code of Alabama, 1975, and upon which the Motor Carrier Fuel Tax has been paid; to further amend Section 40-23-85, Code of Alabama, 1975, as amended, to provide for the disposition of the tax collected on the storage, use or other consumption of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975, as amended; to provide legislative intent that, where applicable, state sales tax and state excise levied by states other than Alabama, on motor fuel, gasoline and lubricating oil and federal excise taxes imposed in Title 25, Section 4081, United States Code, as amended from time to time when such taxes have been paid and included in the sales tax, shall be excluded from the sales price in the computation of the use tax levied by this state on such products; and to provide further legislative intent as to the use of the use tax revenues generated by the removal of the exemption on the storage, use or other consumption of motor fuel, gasoline and lubricating oil.

By Rep. Manley:

H. 289. To amend Section 40-12-4, Code of Alabama 1975 as amended, to provide that county sales and use taxes shall not apply to the gross proceeds of sales and the use, storage or consumption of lubricating oil and gasoline as defined in Section 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

By Rep. Manley:

H. 290. To amend Sections 11-51-200 and 11-51-202, Code of Alabama 1975 as amended, to provide that the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30 shall not be subject to sales and use taxes levied by incorporated municipalities within the State of Alabama.

By Rep. Manley:

H. 291. To amend Section 11-51-180, Code of Alabama 1975 as amended, to provide that the municipal license taxes shall not apply to the gross proceeds of sales of lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama 1975 as amended.

By Rep. Manley:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-141, relating to the levy and amount of the motor carrier fuel tax; § 40-17-142, relating to credit of payment of sales, gasoline and motor fuel taxes; § 40-17-145, relating to payment of tax; § 40-17-146, relating to disposition of proceeds of tax; § 40-17-147, relating to how the amount and purchase price of motor fuel used in the state is to be ascertained; § 40-17-149 relating to books and records; § 40-17-151, relating to sales without liability for tax on the part of distributor; and § 40-17-155, relating to penalties.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Carothers (With Amendment):

H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

Mr. Pearson, Chairman of the Standing Committee on Finance and Taxation, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Hines:

H. 909. To amend further section 40-20-2 of the Code of Alabama 1975 relating to severance taxes on the production of oil and gas so as to provide further for the rate of such taxes on the production of oil and gas from certain wells in the smackover formation.

By Reps. Campbell, Kelley and Shoemaker:

H. 305. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$750.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

By Reps. Shoemaker and Dial:

H. 814. To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Act 1957, Vol. II, pp. 797-798) to authorize the Department of Finance, Division of Service Mail and Supply Room Revolving Fund to be used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

By Rep. McKee:

H. 262. To require reimbursement to the municipality or county and state which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

By Rep. McKee:

H. 88. This bill amends Section 22-9-8, Code of Alabama, 1975, to increase fees for certified copies of vital statistics records and for presumptive or special searches of the files for various information.

By Rep. Owens:

H. 432. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

By Reps. Zoghby and Kennedy:

H. 1077. To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Bennett and Amari:

H. 19. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

By Reps. Boles, Trammell, Bennett, Howard and Lewis:

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

By Rep. Stout:

H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal

public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

By Rep. Carothers:

H. 586. To amend Sections 34-4-2 and 34-4-50 of the Code of Alabama 1975, relating to licensing of auctioneers, so as to further define the word "auctioneer"; and to provide that each member of the state board of auctioneers shall be a licensed auctioneer.

By Rep. Venable:

H. 782. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

By Reps. Shoemaker and Dial:

H. 813. To amend Act No. 247 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, Vol. I, pp. 585-586) providing for a Telephone Revolving Fund in the Department of Finance, Division of Service, to be used to pay for the expenses of administering, maintaining and operating the State Central Telephone System in the City of Montgomery and the Alabama Centralized Telecommunications System in the State of Alabama and providing that each State department, board, bureau, commission, agency and institution using the aforesaid telephone systems shall pay its pro rata share of the aforesaid expenses.

By Rep. Adams (C):

H. 885. To amend Sections 41-20-2, 41-20-3, 41-20-4, 41-20-5, 41-20-6, 41-20-9, 41-20-10, of the Code of Alabama 1975, as amended, and specifically repeals Sections 41-20-7, 41-20-8, 41-20-13 and 41-20-15, Code of Alabama 1975, all of which relate to the Alabama Sunset Law of 1976 so as to provide further for definitions of terminology; to eliminate specified termination dates for certain agencies; to provide further for the dates of termination of agencies reviewed; to provide for the submission of recommendations in bill form; to provide further for the furnishing of information by agencies upon request from the sunset committee; to provide further that certain factors may be taken into consideration in determining the public need for continuation; to eliminate zero-based review and evaluation as a criterion in determining sufficient public need; to provide that the legislative reference service shall furnish relevant information concerning agencies under review; to provide further for the legislative procedure in considering the sunset committee's recommendations; to provide further for the termination, modification and continuance of state agencies; to provide further for the commencement and limitation of debate on sunset committee recommendations; to



provide further for the period when sunset committee recommendations shall be the first order of business, except under certain circumstances provided herein; to provide that the legislature may have any agency reviewed by the sunset committee by passing a resolution; to eliminate the four year life limitation on newly created agencies; and to eliminate the need for the governor to consider using the principles of zero-based review and evaluation for each state agency in the preparation of the budget for each fiscal year.

By Rep. Waggoner:

H. 985. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

By Rep. Smith (J):

H. 1001. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

The above Bill was read a second time at length as required by the Constitution.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (With Amendment):

H. 1033. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, as required by OMB Circulars A-95 and 102 engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of the Office of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office

shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens:

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Mitchell (with notice and proof):

H. 73. Relating to Tuscaloosa County and any city located therein; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

By Rep. Shavers (with notice and proof):

H. 395. Relating to Jackson County; to provide further for an annual salary for the chairman of the County Commission.

By Rep. Hall (with notice and proof):

H. 637. Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members, providing for supplemental effect, and providing for its effective date.

By Rep. Brakefield (with notice and proof):

H. 795. Relating to Walker County; to provide for the City of Parrish in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

By Rep. Williams (with notice and proof):

H. 820. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

By Rep. Williams (with notice and proof):

H. 821. To repeal Act No. 269, H. 1107, 1977 Regular Session (Acts of 1977, p. 372) providing for the alteration and rearrangement of the boundary lines of the City of Daleville, Dale County, Alabama.

By Rep. Smith (J) (with notice and proof):

H. 860. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

By Rep. Smith (J) (with notice and proof):

H. 871. Relating to Madison County, Alabama; to amend Act No. 488, H. 706, Regular Session 1978 (Acts, p. 530) so as to provide that any person released from jail under Section 1 of Act 488 shall pay to the County a sum equal to 25% of his or her gross earnings earned while so released.

By Rep. Smith (J) (with notice and proof):

H. 872. Relating to Madison County, Alabama; to provide arrest powers for personnel of the Madison County Work Release and Pre-Trial Release Commission.

By Reps. Carothers, Grimsley and Daniels (with notice and proof):

H. 922. Relating to Houston County; to provide an expense allowance for the judge of probate and the revenue commissioner of said county.

By Rep. Grimsley (with notice and proof):

H. 960. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Cowarts, in Houston County.

By Rep. Shavers (with notice and proof):

H. 977. Relating to Jackson County; to allow the county commission to contribute a certain amount of public funds to certain rescue squads in the county and to establish a county board of directors to qualify such squads to receive such contributions.

By Reps. Shoemaker, Dial, Moore and Johnson (R. G.) (with notice and proof):

H. 1008. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

By Rep. Naramore (with notice and proof):

H. 1014. Relating to selling and redeeming lands for taxes in Walker County, Alabama.

By Rep. Naramore (with notice and proof):

H. 1017. (Acts of 1973, p. 1098) as amended, "To revise and reenact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol IV), entitled 'Relating to counties having populations of not less than 55,500 nor

more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees"; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Naramore (with notice and proof) (With Amendment):

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Reed (with notice and proof):

H. 1021. Relating to Macon County; providing an annual expense allowance for the judge of the district court; and giving this act retroactive effect to October 1, 1979.

By Rep. Shavers (with notice and proof):

H. 1053. Relating to Jackson County; to amend Act 79-473, Regular Session 1979 (Acts 1979, p. 873) which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes, so as to distribute certain moneys to the Jackson County Hospital Board.

By Rep. Smith (C) (with notice and proof):

H. 1047. Relating to Chilton County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

By Rep. Shavers (with notice and proof):

H. 1054. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

By Moore and Smith (C) (with notice and proof):

H. 1066. Applying only to Shelby County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

By Rep. Moore (with notice and proof):

H. 1067. To promote the maintenance of Shelby County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Shelby County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Shelby County Commission or other

like governing body to establish and appoint, for the enforcement of littering laws in Shelby County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Shelby County; to grant authority to the Shelby County Health Department to enforce littering laws in Shelby County, and to provide for a means to plea to the public to heed such laws and to help to eliminate litter in such county.

By Rep. Reed (with notice and proof):

H. 1089. Relating to Bullock County; providing further for an expense allowance for the county commissioners.

By Reps. Adams (C) and Whatley (with notice and proof):

H. 1097. Relating to Russell County; providing further for the compensation of the tax collector.

By Reps. Adams (C) and Whatley (with notice and proof):

H. 1098. Relating to Russell County; amending further Act No. 925, H. 1333, 1969 Regular Session (Acts 1969, p. 1663), which established a law library, so as to provide further for the expenditure of library funds.

By Reps. Whatley and Adams (C) (with notice and proof):

H. 1100. Relating to Russell County; to provide that the county commission may authorize a salary supplement for the county district attorney.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, with amendment, and they were severally read a second time and placed on the calendar, to-wit:

By Reps. Howard and Boles (with notice and proof) (With Amendment):

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

By Reps. Waggoner, Amari and Bennett (with notice and proof) (With Amendment):

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Mr. Higginbotham, Chairman of the Standing Committee on Education, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Smith (C):

H. 669. To amend Section 13, paragraph 52 of Title 16, Code of Alabama, 1975 to provide that a minimum of 75 days shall constitute the first four scholastic months.

Mr. Bailey, Chairman of the Standing Committee on Banking and Insurance, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cabaniss:

H. 178. To amend § 27-2-16, Code of Alabama 1975 so as to repeal a requirement the Commissioner of Insurance publish an annual list of insurance agents and insurers.

By Rep. Cabaniss:

H. 179. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

By Rep. Cabaniss:

H. 185. To amend Section 27-12-7, Code of Alabama 1975, so that any statement which, under the law, is required to be made to the Commissioner of Insurance under oath, is willfully and falsely made, the penalty shall be a felony; and to provide the venue for the prosecution of this crime shall be Montgomery County, if the statement under oath was required to be filed with the Commissioner.

By Reps. Drinkard:

H. 768. To amend section 5-9-22 of the Code of Alabama 1975 in order to provide that when any bank or banking association organized under the laws of the United States converts into a state banking corporation, all the property of whatsoever kind, things in action, and every right, privilege, interest and asset of the said national bank shall immediately, without any conveyance or transfer and without any further act or deed, be vested in and become the property of this state banking corporation, and the state banking corporation shall be deemed to be a continuation of the national bank, and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee, beneficiary, executorship, trusteeship, or other trust or fiduciary function and all fiduciary relations including where the national bank is acting as administrator, coadministrator, executor, coexecutor, trustee or co-trustee of or in respect to any estate or trust and all rights, privileges, duties and obligations connected therewith, irrespective of the date when any such relation may have been created or established or the date of any trust agreement relating thereto or the date of the death of any testator or decedent, shall remain unimpaired and shall continue into and in the state banking corporation and the state banking corporation shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust of relation including the obligations and liabilities connected therewith, and nothing done in connection with such conversion shall be deemed to be or to effect a renunciation or revocation of any letters of administration or letters testamentary or a removal or resignation from any executorship or trusteeship or other fiduciary relationship nor shall be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act, and any reference to the national bank in any contract, will or document shall be considered a reference to the state banking corporation unless expressly provided to the contrary in the contract, will or document.

Mr. Teague, Chairman of the Standing Committee on Commerce, Transportation and Utilities reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Cabaniss:

H. 189. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

By Rep. Kelley:

H. 518. To amend Section 1 of Act No. 834, Acts of Alabama 1978 Regular Session, amending Section 39-2-12, Code of Alabama 1975, in order to add thereto definitions of words employed therein, to change the amount of retainage withheld, and to provide further for the methods and manner of investment and the administration of the investment of retainage held in escrow.

Mr. Mitchem, Chairman of the Standing Committee on Agriculture, Conservation and Forestry, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Cooley, Whatley, Letson and Bowling:

H. 961. To amend further § 2-7-31 Code of Alabama 1975 which relates to prizes and premium awards at agricultural fairs so as to increase the maximum amount authorized to be paid to the members of the Special Awards Committee for Fairs for per diem and travel allowance in any fiscal year.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Naramore (with notice and proof):

H. 1015. Relating to Walker County: To amend Sections 3, 4, 9 and 10 and repeal Sections 8, 11 and 12 of Act 356, S. 502, 1971 Regular Session approved August 19, 1971 (Acts 1971, p. 652) as amended, which provides for the construction, maintenance and repair of public roads and bridges in Walker County, so as to earmark ninety five percent of all revenue received by the Walker County Commission from the coal severance tax provided for in Act No. 598 H. 643, 1977 Regular Session (Acts 1977 p. 799) for use and the maintenance in construction of roads in Walker County effective October 1, 1978; so as to provide funds in the County road and bridge fund equally among the commission districts of the county; and, so as to make certain powers vested in the county engineer, subject to the approval of a majority of the members of the County Commission.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Naramore (with notice and proof) (With Amendment:)

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and place on the calendar, to-wit:

By Rep. Barton (with notice and proof):

H. 851. Relating to Tuscaloosa County; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

By Rep. Barton (with notice and proof):

H. 852. Relating to Tuscaloosa County; to authorize and provide for the establishment, operation and financing of a Public Defender Office for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro rata return of any excess money in the Public Defender Fund to the counties and municipal bodies from which received.

By Rep. Barton (with notice and proof):

H. 853. To repeal Act No. 839, S. 907, 1975 Regular Session (Acts of 1975, p. 1674) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants, which created a Public Defender Office and Act No. 1286, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants which created a Public Defender Office.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:



By Rep. Barton:

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections, and to provide that all of the fees provided for in each of the sections amended by this act, when collected, shall be refunded to the fund or official paying the administrative costs of performing the functions for which said fees are provided.

Mr. Keener, Chairman of the Standing Committee on Business and Labor Relations, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Shoemaker and Kelley:

H. 306. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

By Reps. Kelley and Shoemaker:

H. 307. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

By Reps. Kelley and Shoemaker:

H. 308. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

### BILLS ON THIRD READING RESUMED

On motion of Mr. Kirkland, the Rules were suspended and the Bill:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

was taken up.

And said Bill, H. B. 292, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Cook	Higginbotham	Mitchem	Taylor
deGraffenried	Holmes	Proctor	Teague
Denton	Kirkland		

—21

*Nays:*

—0

Mr. Kirkland moved that the Senate reconsider the vote by which the Bill, H. B. 292, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

### MOTION TO RECESS

Mr. Goodwin moved that at 6:30 this evening the Senate take a recess until 8 o'clock this evening, which motion was adopted.

### SPECIAL ORDER

### BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Mr. Pearson offered the following substitute for the Bill, H. B. 533, to-wit:

SUBSTITUTE FOR HOUSE BILL 533

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1980-81 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act on 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

A. LEGISLATIVE:

1. Examiners of Public Accounts,  
Department of:

(a) Legislative Support—Audit  
Services Program .....

3,591,037

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,591,037</u>	
Total Department of Examiners of Public Accounts .....	<u>3,591,037</u>	<u>3,591,037</u>

## 2. Legislative Council:

(a) Legislative Operations and Support Program .....		50,000
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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature)

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>50,000</u>	
Total Legislative Council .....	<u>50,000</u>	<u>50,000</u>

## 3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program .....		334,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>334,000</u>	
Total Legislative Fiscal Office ...	<u>334,000</u>	<u>334,000</u>

## 4. Legislative Reference Service:

(a) Legislative Operations and Support Program .....		494,401
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>494,401</u>	
Total Legislative Reference Service .....	<u>494,401</u>	<u>494,401</u>

## 5. Legislature:

(a) Senate Operations and Support Program .....		750,000
(b) House Operations and Support Program .....		1,250,000

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,000,000</u>	
Total Legislature .....	<u>2,000,000</u>	<u>2,000,000</u>

In addition to the above appropriation there is hereby appropriated \$2,500,000 to the Legislature to

be conditional upon the condition  
of the State General Fund and  
upon approval of the Governor.

**B. JUDICIAL:**

**1. Court of Civil Appeals:**

(a) Court Operations Program ..	458,497
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**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>458,497</u>	
Total Court of Civil Appeals ....	<u>458,497</u>	<u>458,497</u>

**2. Court of Criminal Appeals:**

(a) Court Operations Program ..	683,989
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**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>683,989</u>	
Total Court of Criminal Appeals .	<u>683,989</u>	<u>683,989</u>

**3. District Attorneys:**

(a) Court Operations Program ..	5,000,000
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The proposed spending plan in-  
cluded in the above total is as fol-  
lows:

Salaries of District Attor-  
neys ..... 1,287,000

Salary of elected Deputy District  
Attorney of the Bessemer Divi-  
sion of the 10th Judicial  
Circuit ..... 31,000

Salary of the appointed Assistant  
Deputy District Attorney of the  
Bessemer Division of the 10th  
Judicial Circuit ..... 4,143

Salaries and expenses of Super-  
numerary District Attor-  
neys ..... 475,000

For use in the District Attorney's  
Office of the 1st Judicial  
Circuit ..... 47,732

For use in the District Attorney's  
Office of the 2nd Judicial  
Circuit ..... 52,308

For use in the District Attorney's  
Office of the 3rd Judicial  
Circuit ..... 55,560

For use in the District Attorney's  
Office of the 4th Judicial  
Circuit ..... 224,677

For use in the District Attorney's Office of the 5th Judicial Circuit .....	146,320
For use in the District Attorney's Office of the 6th Judicial Circuit .....	106,540
For use in the District Attorney's Office of the 7th Judicial Circuit .....	81,649
For the use in the District Attor- ney's Office of the 8th Judicial Circuit .....	66,236
For use in the District Attorney's Office of the 9th Judicial Circuit .....	76,060
For use in the District Attorney's Office of the 10th Judicial Circuit .....	164,800
For use in the District Attorney's Office of the 11th Judicial Circuit .....	58,800
For use in the District Attorney's Office of the 12th Judicial Circuit .....	58,526
For use in the District Attorney's Office of the 13th Judicial Circuit .....	135,185
For use in the District Attorney's Office of the 14th Judicial Circuit .....	65,050
For use in the District Attorney's Office of the 15th Judicial Circuit .....	218,593
For use in the District Attorney's Office of the 16th Judicial Circuit .....	67,000
For use in the District Attorney's Office of the 17th Judicial Circuit .....	42,200
For use in the District Attorney's Office of the 18th Judicial Circuit .....	78,303
For use in the District Attorney's Office of the 19th Judicial Circuit .....	51,000
For use in the District Attorney's Office of the 20th Judicial Circuit .....	84,300

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For use in the District Attorney's  
Office of the 21st Judicial  
Circuit ..... 44,441

For use in the District Attorney's  
Office of the 22nd Judicial  
Circuit ..... 60,000

For use in the District Attorney's  
Office of the 23rd Judicial  
Circuit ..... 167,658

For use in the District Attorney's  
Office of the 24th Judicial  
Circuit ..... 65,713

For use in the District Attorney's  
Office of the 25th Judicial  
Circuit ..... 44,131

For use in the District Attorney's  
Office of the 26th Judicial  
Circuit ..... 106,000

For use in the District Attorney's  
Office of the 27th Judicial  
Circuit ..... 78,605

For use in the District Attorney's  
Office of the 28th Judicial  
Circuit ..... 50,000

For use in the District Attorney's  
Office of the 29th Judicial  
Circuit ..... 74,400

For use in the District Attorney's  
Office of the 30th Judicial  
Circuit ..... 82,200

For use in the District Attorney's  
Office of the 31st Judicial  
Circuit ..... 45,400

For use in the District Attorney's  
Office of the 32nd Judicial  
Circuit ..... 46,375

For use in the District Attorney's  
Office of the 33rd Judicial  
Circuit ..... 42,000

For use in the District Attorney's  
Office of the 34th Judicial  
Circuit ..... 31,175

For use in the District Attorney's  
Office of the 35th Judicial  
Circuit ..... 41,100

For use in the District Attorney's  
Office of the 36th Judicial  
Circuit ..... 51,900

For use in the District Attorney's  
Office of the 37th Judicial  
Circuit ..... 70,800

For use in the District Attorney's  
Office of the 38th Judicial  
Circuit ..... 66,120

For use in the District Attorney's  
Office of the 39th Judicial  
Circuit ..... 28,000

Appropriations of Salaries of Per-  
sonnel Established by Statute  
are estimated.

Travel Expense of District Attor-  
neys ..... 50,000

Telephone Service, Stationery,  
Stamps and necessary Office  
supplies for Office use of District  
Attorneys, Deputy District At-  
torneys or Assistants (Provided,  
however, that none of this ap-  
propriation shall be expended for  
books and equipment pur-  
chases). ..... 75,000

5,000,000

#### SOURCE OF FUNDS:

(1) State General Fund ..... 5,000,000

Total District Attorneys ..... 5,000,000 5,000,000

#### 4. Judicial Inquiry Commission:

(a) Administrative Services Pro-  
gram ..... 61,522

#### SOURCE OF FUNDS:

(1) State General Fund ..... 61,522

Total Judicial Inquiry Commission ..... 61,522 61,522

#### 5. Judicial Retirement System:

(a) Retirement Systems Program ..... 3,557,100

#### SOURCE OF FUNDS:

(1) State General Fund ..... 3,557,100

Total Judicial Retirement System ..... 3,557,100 3,557,100

#### 6. Supreme Court:

(a) Court Operations Program .. 1,858,949

#### SOURCE OF FUNDS:

(1) State General Fund ..... 1,848,949



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(2) Federal, Local and Miscellaneous Funds .....		<u>10,000</u>	
Total Supreme Court .....	<u>1,848,949</u>	<u>10,000</u>	<u>1,858,949</u>

7. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program .. 28,489,478

(b) Administrative Services Program ..... 1,953,356

SOURCE OF FUNDS:

(1) State General Fund .....	<u>30,442,834</u>		
Total Unified Judicial System ...	<u>30,442,834</u>		<u>30,442,834</u>

C. EXECUTIVE

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program ..... 1,300

SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama .....	<u>1,300</u>		
Total Alabama Academy of Honor .....	<u>1,300</u>		<u>1,300</u>

2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program ..... 135,000

SOURCE OF FUNDS:

(1) Fund of the Alabama State Board of Public Accountancy, as provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama .....	135,000		
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In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy .....		<u>135,000</u>	<u>135,000</u>
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## 3. Adjustment, Board of:

(a) Special Services Program . . . . 165,000

## SOURCE OF FUNDS:

(1) State General Fund for the  
General Fund Contribution to  
the total expenditure of \$350,000  
pursuant to Title 41, Chapter 9,  
Section 73, 1975 Code of Ala-  
bama . . . . . 15,000(2) State General Fund for expen-  
ditures as provided in Title 31,  
Chapter 3 and Title 36, Chapter  
30, Article 1, 1975 Code of Ala-  
bama, Estimated . . . . . 150,000Total Board of Adjustment . . . . . 165,000 165,000

## 4. Aeronautics, Department of:

(a) Airport Development and  
Aeronautical Support Program 701,567The appropriation to the Depart-  
ment of Aeronautics shall in-  
clude a transfer to the State Per-  
sonnel Department of \$196.

## SOURCE OF FUNDS:

(1) Airport Development Fund, as  
provided by Title 4, Chapter 2,  
Section 42, 1975 Code of Ala-  
bama . . . . . 701,567Total Department of Aeronautics 701,567 701,567

## 5. Aging, Commission on:

(a) Planning and Advocacy for El-  
derly Program . . . . . 12,713,590The appropriation to the Commis-  
sion on Aging shall include a  
transfer to the State Personnel  
Department of \$982.

## SOURCE OF FUNDS:

(1) State General Fund Transfer 785,000

(2) Federal, Local and Miscellane-  
ous Funds . . . . . 11,928,590Total Commission on Aging . . . . . 785,000 11,928,590 12,713,590

## 6. Agricultural Center Board:

(a) Agricultural Development  
Services Program . . . . . 565,000The appropriation to the Agricul-  
tural Center Board shall include  
a transfer to the State Personnel  
Department of \$392.

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SOURCE OF FUNDS:

(1) State General Fund for expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama	120,000		
(2) State General Fund Transfer	320,000		
(3) Livestock Coliseum Fund . . . .		125,000	
Total Agricultural Center Board .	440,000	125,000	565,000

7. Agricultural and Industrial Exhibit Commission, Alabama:

(a) Agricultural Development Services Program . . . . .			32,400
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SOURCE OF FUNDS:

(1) State General Fund . . . . .	32,400		
Total Alabama Agricultural and Industrial Exhibit Commission	32,400		32,400

8. Agriculture and Industries, Department of:

(a) Administrative Services Program . . . . .			886,011
(b) Agricultural Inspection Services Program . . . . .			8,553,145
(c) Laboratory Analysis and Disease Control Program . . . . .			3,025,776
(d) Agricultural Development Services Program . . . . .			512,505

The appropriation to the Department of Agriculture and Industries shall include a transfer to the State Personnel Department of \$17,725.

SOURCE OF FUNDS:

(1) State General Fund Transfer	4,978,900		
(2) Federal, Local and Miscellaneous Funds . . . . .		2,321,122	
(3) Shipping Point Inspection Fund pursuant to Title 2, Chapter 9, Sections 20 and 21, Code of Alabama, 1975. All fees and charges collected by the Commissioner of Agriculture and Industries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping			

Point Inspection, grading and classification services for agricultural products including services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities .....			3,769,000
(4) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.) .....			<u>1,908,415</u>
Total Department of Agriculture and Industries .....	<u>4,978,900</u>	<u>7,998,537</u>	<u>12,977,437</u>
9. Alcoholic Beverage Control Board, Alabama:			
(a) Alcoholic Beverage Management Program .....			22,496,718
(b) Licensing, Regulation and Enforcement Program .....			6,934,822
(c) Administrative Services Program .....			2,828,856
The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$58,920.			

## SOURCE OF FUNDS:

(1) ABC Stores Fund .....	32,260,396
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced

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in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board .....	<u>32,260,396</u>	<u>32,260,396</u>
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10. Architects, Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program .....		70,000
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 .....	<u>70,000</u>	
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Total Board for Registration of Architects .....	<u>70,000</u>	<u>70,000</u>
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11. Archives and History:

(a) Historical Resources Management Program .....		760,617
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SOURCE OF FUNDS:

(1) State General Fund .....	748,617	
(2) Federal, Local and Miscellaneous Funds .....	<u>12,000</u>	

Total Archives & History .....	<u>748,617</u>	<u>12,000</u>
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12. Attorney General, Office of the:

(a) Legal Advice and Legal Services Program .....		3,384,891
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(b) Fair Marketing Practices Program .....		286,125
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SOURCE OF FUNDS:

(1) State General Fund .....	2,800,000	
(2) Transfer from Pensions and Security .....	310,000	
(3) Federal, Local and Miscellaneous Funds .....	<u>561,016</u>	

Total Office of the Attorney General .....	<u>2,800,000</u>	<u>871,016</u>
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3,671,016

## 13. Auditor, State:

(a) Fiscal Management Program 580,000

## SOURCE OF FUNDS:

(1) State General Fund ..... 580,000

Total State Auditor ..... 580,000 580,000

## 14. Banking Department, State:

(a) Charter, License, and Regulate  
Financial Institutions Program 1,699,149

The appropriation to the State  
Banking Department shall in-  
clude a transfer to the State Per-  
sonnel Department of \$2,062.

## SOURCE OF FUNDS:

(1) State General Fund Transfer 280,850

(2) Banking Assessment Fees as  
provided in Title 5, Chapter 1,  
Section 5, 1975 Code of Alabama 1,229,497(3) Bureau of Credit Unions as  
provided in Title 5, Chapter 2,  
Article 5, Divisions 1 and 2, 1975  
Code of Alabama ..... 161,750(4) Loan Examination Fund as  
provided in Title 5, Chapter 18,  
Sections 1-24, 1975 Code of Ala-  
bama ..... 27,052

Total State Banking Department 280,850 1,418,299 1,699,149

15. Bar Association, Alabama  
State:(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 496,676

## SOURCE OF FUNDS:

(1) State Bar Association Fund, as  
provided in Title 34, Chapter 3,  
Code of Alabama 1975 ..... 496,676Total Alabama State Bar Associa-  
tion ..... 496,676 496,67616. Bear Creek Development Au-  
thority:(a) Water Resource Development  
Program ..... 209,119

## SOURCE OF FUNDS:

(1) State General Fund ..... 26,900

(2) Federal, Local and Miscellane-  
ous Funds ..... 182,219

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Total Bear Creek Development Authority .....	26,900	182,219	209,119
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17. Brierfield Ironworks Park:

(a) Outdoor Recreation Sites and Services Program .....			87,760
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SOURCE OF FUNDS:

(1) State General Fund .....	20,000		
(2) Federal, Local and Miscellaneous Funds .....		67,760	

Total Brierfield Ironworks Park ..	20,000	67,760	87,760
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18. Building Commission:

(a) Special Services Program ....			545,992
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The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) State General Fund .....	138,220		
(2) Federal, Local and Miscellaneous Funds .....		407,772	

Total Building Commission .....	138,220	407,772	545,992
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19. Capitol Renovation-Alabama Historical Commission:

(a) Historical Resources Management Program .....			
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SOURCE OF FUNDS:

(1) State General Fund .....			
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Total Capitol Renovation-Alabama Historical Commission .....

There is hereby appropriated \$3,500,000 to the Alabama Historical Commission for Capitol Renovation to be conditional upon the condition of the State General Fund and upon approval of the Governor.

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			25,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as			
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provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama .....			25,000	
Total Alabama State Board of Chiropractic Examiners .....			25,000	25,000
21. Civil Defense, Department of:				
(a) Readiness and Recovery Pro- gram .....				946,152
The appropriation to the Depart- ment of Civil Defense shall in- clude a transfer to the State Per- sonnel Department of \$1,423.				
SOURCE OF FUNDS:				
(1) State General Fund .....			461,400	
(2) Federal, Local and Miscellane- ous Funds .....			484,752	
Total Department of Civil Defense .....			461,400	946,152
22. Coastal Area Board, Alabama:				
(a) Coastal Area Management Program .....				875,000
The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$245.				
SOURCE OF FUNDS:				
(1) State General Fund-Transfer .....			50,000	
(2) Federal, Local and Miscellane- ous .....			825,000	
Total Alabama Coastal Area Board .....			50,000	875,000
23. Conservation and Natural Re- sources, Department of:				
(a) Wildlife and Game and Fish Program .....				10,903,145
(b) State Land Management Pro- gram .....				226,302
(c) Outdoor Recreation Sites and Services Program .....				12,874,553
(d) Administrative Services Pro- gram .....				3,039,187
(e) Land Survey Program .....				225,382
The appropriation to the Depart- ment of Conservation and Natu- ral Resources shall include a transfer to the State Personnel Department of \$27,005.				



SOURCE OF FUNDS:

(1) Game and Fish Fund .....	9,475,445
(2) State Lands Fund .....	226,302

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(3) Marine Resources Fund .....	1,121,500
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund .....	1,724,000
(5) Land Surveyors Fund .....	225,382
(6) State Parks Fund .....	8,550,553
(7) Administrative Funds .....	3,039,187

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.

(8) State General Fund .....	2,806,200
(9) State General Fund—Transfer to Game and Fish Fund for Capital Improvements—(Bibb and Escambia County Lakes) .....	<u>100,000</u>

Total Department of Conservation and Natural Resources .....	<u>2,906,200</u>	<u>24,362,369</u>	<u>27,268,569</u>
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24. Contractors State Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program .....	164,850
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The appropriation to the State Licensing Board for General

Contractors shall include a transfer to the State Personnel Department of \$245.

#### SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund .....	164,850	
Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.		
Total State Licensing Board for General Contractors .....	<u>164,850</u>	<u>164,850</u>
25. Corrections, Board of:		
(a) Administrative Services and Logistical Support Program ...		2,982,507
(b) Institutional Services Corrections Program .....		28,576,774
(c) Correctional Industries Program .....		3,710,702
The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$59,214.		

#### SOURCE OF FUNDS:

(1) State General Fund—Transfer	23,500,000	
(2) Federal, Local and Miscellaneous Funds .....		625,000
(3) Federal Revenue Sharing ....		7,000,000
(4) Board of Corrections Fund ...		4,144,983

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriated, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

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Total Board of Corrections .....	<u>23,500,000</u>	<u>11,769,983</u>	<u>35,269,983</u>
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In addition to the above appropriation there is hereby appropriated \$24,000,000 to the Board of Corrections to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			315,000
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$491.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund as provided in Title 34, Chapter 7, 1975 Code of Alabama .....		<u>315,000</u>	
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Total Alabama Board of Cosmetology .....		<u>315,000</u>	<u>315,000</u>
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27. Criminal Justice Information System, Alabama:

(a) Criminal Justice Information Services Program .....			2,268,004
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The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,602.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	1,900,000		
(2) Federal, Local and Miscellaneous Funds .....		<u>368,004</u>	

Total Alabama Criminal Justice Information System .....	<u>1,900,000</u>	<u>368,004</u>	<u>2,268,004</u>
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28. Dairy Commission, Alabama:

(a) Regulatory Services Program			455,000
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The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Department of \$540.

## SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund as provided in Title 2, Chapter 13, Code of Alabama 1975 .....	455,000	
Total Alabama Dairy Commission	455,000	455,000
29. Development Office, Alabama:		
(a) Industrial Development Pro- gram .....		2,537,000
(b) Bureau of Publicity and Information—Tourism and Travel Promotion Program ....		2,402,873
(c) Administrative Services Program—Office of Minority Business .....		145,000
(d) Alabama Film Commission— Promotional Development Pro- gram .....		220,000

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$3,093.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer Alabama Development Office ..	2,467,000		
(2) State General Fund—Transfer Publicity and Information .....	500,000		
(3) State General Fund Transfer—Office of Minority Business .....	75,000		
(4) State General Fund—Alabama Film Commission .....	220,000		
(5) Lodgings Tax (1¢)—Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama for the Bureau of Publicity and Information .....		1,902,873	
(6) Federal, Local and Miscellane- ous Funds .....		140,000	
Total Alabama Development Office .....	3,262,000	2,042,873	5,304,873

30. Engineers and Land Sur-  
veyors, State Board of Registra-  
tion for Professional:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	238,196
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The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund as provided in Title 34, Chapter 11, Code of Alabama 1975, as amended and Act No. 1049, 1975 Regular Session .....	238,196	
Total State Board of Registration for Professional Engineers and Land Surveyors .....	238,196	238,196

31. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program .....		175,000
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SOURCE OF FUNDS:

(1) State General Fund .....	175,000	
Total Alabama Ethics Commission .....	175,000	175,000

32. Farmers' Market Authority:

(a) Agricultural Development Services Program .....		658,000
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SOURCE OF FUNDS:

(1) State General Fund—Transfer For Administration .....	78,000	
(2) State General Fund—Transfer for Capital Outlay .....	500,000	
(3) Farmers' Market Authority Fund—Revenue and Capital Outlay Account .....	80,000	
Total Farmers' Market Authority .....	578,000	658,000

33. Finance, Department of:

(a) Fiscal Management Program .....		1,949,941
(b) Administrative Support Services Program .....		4,258,889
(c) Administrative Support Services Program—Repair, renovate, and clean state buildings .....		500,000

SOURCE OF FUNDS:

(1) State General Fund .....	4,808,896	
(2) State Agency Collections—Maintenance Revolving Fund .....	1,899,934	

Total Department of Finance . . . .	4,808,896	1,899,934	6,708,830
34. Finance—Telephone Network Fund:			
(a) Administrative Support Services Program . . . . .			4,028,907
SOURCE OF FUNDS:			
(1) Telephone Network Fund . . . .		4,028,907	
Total Finance—Telephone Network Fund . . . . .		4,028,907	4,028,907
35. Foresters, Alabama State Board of Registration for:			
(a) Professional and Occupational Licensing and Regulation Program . . . . .			17,900
SOURCE OF FUNDS:			
(1) Professional Foresters' Fund . . . . .		17,900	
Total Alabama State Board of Registration for Foresters . . . . .		17,900	17,900
36. Forestry Commission, Alabama:			
(a) Forest Resource Protection Program . . . . .			7,316,266
(b) Forest Resource Management and Development Program . . . .			2,144,977
(c) Forestry Information and Education Program . . . . .			282,245
(d) Administrative Services Program . . . . .			1,276,585
The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$19,983.			
SOURCE OF FUNDS:			
(1) State General Fund—Transfer . . . . .	5,568,659		
(2) Federal and Local Funds . . . .		2,549,398	
(3) Forestry Commission Fund . . . .		2,902,016	
Of the above appropriation \$100,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commission . . . . .	5,568,659	5,451,414	11,020,073
37. Fort Morgan Commission:			
(a) Historical Resources Management Program . . . . .			109,433

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SOURCE OF FUNDS:

(1) State General Fund .....	99,400		
(2) Federal, Local and Miscellaneous Funds .....		<u>10,033</u>	
Total Fort Morgan Commission ..	<u>99,400</u>	<u>10,033</u>	<u>109,433</u>

38. Funeral Service, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			81,900
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SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund as provided in Title 34, Chapter 13, 1975 Code of Alabama .....		<u>81,900</u>	
Total Alabama Board of Funeral Services .....		<u>81,900</u>	<u>81,900</u>

38A. Foreign Trade Relations Commission:

(a) Special Services Program ....			50,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>50,000</u>		
Total Foreign Trade Relations Commission .....	<u>50,000</u>		<u>50,000</u>

39. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....			1,596,049
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,829.

SOURCE OF FUNDS:

(1) State General Fund .....	1,042,032		
(2) Federal, Local and Miscellaneous Funds .....		<u>554,017</u>	
Total Geological Survey .....	<u>1,042,032</u>	<u>554,017</u>	<u>1,596,049</u>

40. Gorgas Memorial Board:

(a) Historical Resources Management Program .....			8,400
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 9, Section			
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220, 1975 Code of Alabama and an additional amount .....	7,700		
(2) Federal, Local and Miscellaneous Funds .....		700	
Total Gorgas Memorial Board ...	7,700	700	8,400
40A. Industrial Development Training Institute, Ala.			
(a) Industrial Training Program			600,000
(1) General Fund .....	600,000		
Total Ala. Industrial Dev. Training Institute .....	600,000		600,000
41. Governor's Office:			
(a) Executive Director Program .			427,400
SOURCE OF FUNDS:			
(1) State General Fund .....	427,400		
Total Governor's Office .....	427,400		427,400
In addition to the above appropriation there is hereby appropriated \$550,000 to the Governor's Office to be conditional upon the condition of the State General Fund and upon approval of the Governor.			
42. Governor's Contingency Fund:			
(a) Executive Direction Program			295,480
SOURCE OF FUNDS:			
(1) State General Fund .....	295,480		
Total Governor's Contingency Fund .....	295,480		295,480
43. Governor's Mansion and Coastal Mansion:			
(a) Executive Direction Program			150,000
SOURCE OF FUNDS:			
(1) State General Fund .....	150,000		
Total Governor's Mansion and Coastal Mansion .....	150,000		150,000
44. Healing Arts, State Licensing Board for the:			
(a) Professional and Occupational Licensing and Regulation Program .....			132,000



The appropriation to the State Licensing Board for the Healing Arts shall include a transfer to the Personnel Department of \$98.

SOURCE OF FUNDS:

(1) State Licensing Board for the Healing Arts Fund .....	132,000	
Total State Licensing Board for the Healing Arts .....	132,000	132,000

45. Health, Department of Public:

(a) Administrative Services Program .....	3,468,956
(b) Health Support Services Program .....	39,898,533
(c) Personal Health Improvement Program .....	30,285,056
(d) Environmental Health Improvement Program .....	6,283,138
(e) Special Services Program ....	1,227,009
(f) Health Planning, Development and Regulation Program .....	5,069,881

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$100,605.

SOURCE OF FUNDS:

(1) State General Fund .....	15,882,000	
(2) Cigarette Tax—1¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama .....	1,400,001	
(3) Cigarette Tax—2¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama .....	2,150,000	
(4) Vital Statistics Fund .....	660,000	
(5) Hospital Licensing Fund ....	85,000	
(6) Emergency Medical Services Fund as provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama .....	30,000	
(7) Local Health Departments ...	25,990,952	
(8) Water Improvement Commission Fines .....	300,000	
(9) Miscellaneous Revenues ....	3,126,835	
(10) Federal Funds .....	36,607,785	
Total Department of Public Health	15,882,000	70,350,573
		86,232,573

## 46. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program .....	950,026
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## SOURCE OF FUNDS:

(1) State General Fund .....	261,000		
(2) Federal, Local and Miscellaneous Funds .....		689,026	
Total State Health Planning and Development Agency .....	261,000	689,026	950,026

## 47. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	15,400
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## SOURCE OF FUNDS:

(1) State Board of Health—Hearing Aid Fund as provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama ..	15,400
Total Alabama Board of Hearing Aid Dealers .....	15,400

## 48. Highway Department:

(a) Central Administration Program .....	6,825,251
(b) Division and District Supervision—State Program ..	12,165,797
(c) Operations and Support Services Program .....	5,475,948
(d) Maintenance Program .....	60,000,000
(e) Non-Programmatic Expenditures .....	43,830,499

Proposed Spending Plan for the above (e) includes the following:

Debt Service .....	38,595,075
Equipment—Automotive .....	5,000,000

Equipment—Other than Automotive .....	235,424
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(f) Construction—Federal Aid Program .....	248,429,681
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Proposed Spending Plan for the above (f) includes the following:

Federal Aid Matching	39,202,000
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Non-Participating Work on Federal Aid Projects . . . . 1,000,000

Advance Construction

Bonds . . . . . 30,726,000

Federal Aid . . . . . 177,501,681

(g) Construction-State Program . . . . . 94,640,398

(h) Operations—Land & Buildings . . . . . 2,305,500

The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$232,144.

SOURCE OF FUNDS:

(1) State General Fund . . . . .	75,000
(2) Public Road and Bridge Fund . . . . .	265,370,393
(3) Federal Aid . . . . .	177,501,681
(4) Bond Proceeds . . . . .	30,726,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$38,595,075 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway

Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department .....	<u>75,000</u>	<u>473,598,074</u>	<u>473,673,074</u>
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49. Highway and Traffic Safety,  
Office of:

(a) Traffic Control and Accident Prevention Program .....			3,551,800
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The appropriation to the Office of Highway and Traffic Safety shall include a transfer to the State Personnel Department of \$491.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	83,600		
(2) Federal Funds .....		<u>3,468,200</u>	

Total Office of Highway and Traffic Safety .....	<u>83,600</u>	<u>3,468,200</u>	<u>3,551,800</u>
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50. Historic Chattahoochee Com-  
mission:

(a) Historical Resources Manage- ment Program .....			66,500
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>66,500</u>		
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Total Historic Chattahoochee Commission .....	<u>66,500</u>		<u>66,500</u>
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51. Historical Commission, Ala-  
bama:

(a) Historical Resources Manage- ment Program .....			2,003,218
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$736 and expenditures for Fort Toulouse of \$85,000 and for Historic Blakely Foundation of \$50,000.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	409,400		
(2) Federal, Local and Miscellane- ous Funds .....		<u>1,593,818</u>	

Total Alabama Historical Commis- sion .....	<u>409,400</u>	<u>1,593,818</u>	<u>2,003,218</u>
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52. Industrial Relations, Depart-  
ment of:

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(a) Skills Enhancement and Employment Opportunities Program .....	99,159,393
(b) Unemployment Compensation Program .....	180,333,617
(c) Administrative Services Program .....	6,340,871
(d) Industrial Safety and Accident Prevention Program .....	4,806,561
(e) Employment and Social Opportunities Program .....	325,810

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$70,212.

SOURCE OF FUNDS:

(1) State General Fund .....	652,500		
(2) Federal, Local and Miscellaneous Funds .....		<u>290,313,752</u>	
Total Department of Industrial Relations .....	<u>652,500</u>	<u>290,313,752</u>	<u>290,966,252</u>

53. Insurance Board, State Employees':

(a) Administrative Support Services Program .....	72,434
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>72,434</u>		
Total State Employees' Insurance Board .....	<u>72,434</u>		<u>72,434</u>

54. Insurance, Department of:

(a) Regulatory Services Program .....	1,867,597
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The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$2,749.

SOURCE OF FUNDS:

(1) State General Fund .....	906,469		
(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975 .....		820,253	
(3) Fire Marshals' Fund as provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any			

balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund .....				140,875	
Total Department of Insurance ..	906,469	961,128	1,867,597		
55. Labor, Department of:					
(a) Regulatory Services Program					
			249,670		
SOURCE OF FUNDS:					
(1) State General Fund .....	212,164				
(2) Federal, Local and Miscellaneous Funds .....		37,506			
Total Department of Labor .....	212,164	37,506	249,670		
56. Lagrange Historical Site—Alabama Historical Commission:					
(a) Historical Resources Management Program .....					
			2,140		
SOURCE OF FUNDS:					
(1) State General Fund—as provided in Title 41, Chapter 9, Section 270, 1975 Code of Alabama	2,140				
Total LaGrange Historical Site—Alabama Historical Commission	2,140		2,140		
57. Landscape Architects, Board of Examiners of:					
(a) Professional and Occupational Licensing and Regulation Program .....					
			4,650		
SOURCE OF FUNDS:					
(1) Landscape Architects Fund ..		4,650			
Total Board of Examiners of Landscape Architects .....		4,650	4,650		
58. Law Enforcement Planning Agency, Alabama:					
(a) Law Enforcement Planning and Development Program ....					
			8,644,885		
The appropriation to the Alabama Law Enforcement Planning Agency shall include a transfer to the State Personnel Department of \$2,602.					
SOURCE OF FUNDS:					
(1) State General Fund—Transfer for Matching Federal Funds ...	596,780				

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(2) Federal, Local and Miscellaneous Funds .....		<u>8,048,105</u>	
Total Alabama Law Enforcement Planning Agency .....	<u>596,780</u>	<u>8,048,105</u>	<u>8,644,885</u>

59. Liquefied Petroleum Gas Board:

(a) Regulatory Services Program			124,176
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The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of \$147.

SOURCE OF FUNDS:

(1) L. P. Gas Board Fund .....		<u>124,176</u>	
Total Liquefied Petroleum Gas Board .....		<u>124,176</u>	<u>124,176</u>

60. Medical Services Administration:

(a) Medical Assistance through Medicaid Program .....			227,678,668
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The appropriation to the Medical Services Administration shall include a transfer to the State Personnel Department of \$9,770.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	66,000,000		
(2) Federal, Local and Miscellaneous Funds .....		<u>161,678,668</u>	
Total Medical Services Administration .....	<u>66,000,000</u>	<u>161,678,668</u>	<u>227,678,668</u>

In addition to the above appropriation there is hereby appropriated \$34,000,000 to Medical Services Administration to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

61. Mental Health, Department of:

(a) Institutional Treatment and Care—Mental Illness Program			52,200,542
(b) Institutional Treatment and Care—Mental Retardation Program .....			44,487,299
(c) Institutional Treatment and Care—Criminally Insane Program .....			348,297

(d) Non-Institutional Treatment and Care Program .....	25,753,454
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(Of this amount, \$11,010,567 shall be used for Community Programs.)

(e) Administrative Services Program .....	3,519,368
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The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$284,289.

#### SOURCE OF FUNDS:

(1) Special Mental Health Fund—For Operations and Maintenance of the State Mental Health Department including the purchase of drugs to medically indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals .....	68,195,817	
(2) Special Mental Health Fund—Community Programs .....	11,010,567	
(3) Transfer from ABC Profits ..	1,000,000	
(4) Cigarette Tax—1¢ .....	925,455	
(5) Cigarette Tax—2¢ .....	4,909,922	
(6) Federal, Local and Miscellaneous Funds .....	23,867,199	
(7) Federal Revenue Sharing ....	<u>16,400,000</u>	
Total Department of Mental Health .....	<u>126,308,960</u>	<u>126,308,960</u>

In addition to the above appropriation there is hereby appropriated \$20,000,000 to the Department of Mental Health to be conditional upon the condition of the State General Fund and upon approval of the Governor.

#### 62. A—Military Department:

(a) Military Operations Program .....	3,583,482
(b) Capital Outlay .....	595,132

#### SOURCE OF FUNDS:

(1) State General Fund—Transfer Capital Outlay for the Armories at Atmore, Fayette, Huntsville, Jackson, Montgomery, and Sub-Surface Soil Investigation .	525,600
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(2) State General Fund—Transfer for Architect and Engineering Services and Specifications for the Armories at Atmore, Birmingham, Goodwater, Guin and Monroeville .....	69,532	
(3) State General Fund—Operations .....	907,176	
(4) State General Fund—Quarterly Allowances Headquarters—Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard .....	749,000	
(5) State General Fund—Active Military Service .....	113,610	
(6) State General Fund—Transfer to Armory Commission .....	1,813,696	
Total Military Department .....	<u>4,178,614</u>	<u>4,178,614</u>

62. B—Armory Commission of Alabama:

(a) Military Operations Program	2,631,374
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SOURCE OF FUNDS:

(1) Transfer from Military Department .....	1,813,696
(2) Federal, Local and Miscellaneous Funds .....	817,678

The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama .....	<u>2,631,374</u>	<u>2,631,374</u>
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## 63. Nursing Home Administrators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program .....	11,000
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## SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ...	11,000	
Total Board of Examiners of Nursing Home Administrators .....	11,000	11,000

## 64. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and Development Program .....	836,094
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## SOURCE OF FUNDS:

(1) State General Fund .....	836,094	
Total Oil and Gas Board .....	836,094	836,094

## 65. Pardons and Paroles, Board of:

(a) Administration of Pardons and Paroles Program .....	4,057,946
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The appropriation to the Board of Pardons and Paroles shall include a transfer to the State Personnel Department of \$9,869.

## SOURCE OF FUNDS:

(1) State General Fund .....	2,526,921	
(2) Probationers Upkeep Fund ..	1,098,613	
(3) Federal, Local and Miscellaneous Funds .....	432,412	
Total Board of Pardons and Paroles .....	2,526,921	1,531,025
		4,057,946

## 66. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement Systems Program .....	170,715
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## SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama .....	170,715	
Total Alabama Peace Officers' Annuity and Benefit Fund .....	170,715	170,715

## 67. Pensions:

(a) Social Services Program—For Confederate Veterans and their
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widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, 1975 Code of Alabama.

68. Pensions and Security:

(a) Financial Assistance Program	115,680,637
(b) Social Services Program . . . .	77,518,545
(c) Food Assistance Program . . . .	21,639,606
(d) Child Support Enforcement Program . . . . .	7,246,008

The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$189,771.

SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds . . . . .	149,938,627		
(2) Liquor License Tax . . . . .	1,572,000		
(3) ABC Profits . . . . .	2,135,431		
(4) Whiskey Tax . . . . .	20,527,915		
(5) State General Fund . . . . .	5,000,000		
(6) Beer Tax . . . . .	7,213,360		
(7) Pension Residue . . . . .	6,845,000		
(8) Sales Tax . . . . .	1,322,000		
(9) Franchise Tax . . . . .	9,476,000		
(10) Contracts, Service Fees . . . .	364,144		
(11) Child Support Collections . .	1,574,119		
(12) Sales Tax for Food Stamps .	10,200,000		
(13) Cigarette Tax . . . . .	4,525,000		
(14) Contractor's Gross Receipts Tax . . . . .	1,387,000		
(15) Pension Fund . . . . .	4,200		
Total Pensions and Security . . . .	<u>5,000,000</u>	<u>217,084,796</u>	<u>222,084,796</u>

In addition to the above appropriation there is hereby appropriated \$6,000,000 to the Department of Pensions and Security to be conditional upon the condition of the

State General Fund and upon the approval of the Governor.

69. Personnel Department, State:

(a) Administrative Support Program .....	1,648,588
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	128,512
(2) Federal, Local and Miscellaneous Funds .....	259,000
(3) Transfer from Department of Aeronautics .....	196
(4) Transfer from Commission on Aging .....	982
(5) Transfer from Agriculture and Industries .....	17,725
(6) Transfer from Agricultural Center Board .....	392
(7) Transfer from Alcoholic Beverage Control Board .....	58,920
(8) Transfer from Board of Registration of Architects .....	98
(9) Transfer from State Banking Department .....	2,062
(10) Transfer from Finance—Alabama Building Authority ..	589
(11) Transfer from Finance—Alabama Building Finance Authority .....	491
(12) Transfer from Building Commission .....	98
(13) Transfer from Civil Defense Department .....	1,423
(14) Transfer from Coastal Area Board .....	245
(15) Transfer from Conservation Department .....	27,005
(16) Transfer from State Licensing Board For General Contractors	245
(17) Transfer from Board of Corrections .....	59,214
(18) Transfer from Board of Cosmetology .....	491
(19) Transfer from Criminal Justice Information Center .....	2,602

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(20) Transfer from Alabama Dairy Commission .....	540
(21) Transfer from Alabama Development Office .....	3,093
(22) Transfer from State Docks ..	4,812
(23) Transfer from Education ...	67,905
(24) Transfer from Education Study Commission .....	98
(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors ...	245
(26) Transfer from Firefighters Personnel Standards and Education Commission .....	196
(27) Transfer from Forestry Commission .....	19,983
(28) Transfer from Geological Survey .....	3,829
(29) Transfer from State Licensing Board for the Healing Arts ....	98
(30) Transfer from Health Department .....	100,605
(31) Transfer from Highway Department .....	232,144
(32) Transfer from Highway and Traffic Safety .....	491
(33) Transfer from Alabama Historical Commission .....	736
(34) Transfer from Industrial Relations .....	70,212
(35) Transfer from Insurance Department .....	2,749
(36) Transfer from Law Enforcement Planning Agency .....	2,602
(37) Transfer from Liquefied Petroleum Gas Board .....	147
(38) Transfer from Medical Services Administration .....	9,770
(39) Transfer from Department of Mental Health .....	284,289
(40) Transfer from Board of Nursing .....	540
(41) Transfer from Pardons and Paroles .....	9,869
(42) Transfer from Peace Officers Standards and Training Commission .....	98

(43) Transfer from Pensions and Security .....	189,771		
(44) Transfer from Physical Fitness Commission .....	196		
(45) Transfer from Board of Physical Therapy .....	49		
(46) Transfer from Office of State Planning and Federal Programs .....	2,062		
(47) Transfer from Public Library Service .....	2,700		
(48) Transfer from Public Service Commission .....	3,829		
(49) Transfer from Real Estate Commission .....	932		
(50) Transfer from Retirement Systems .....	4,320		
(51) Transfer from Department of Revenue .....	45,270		
(52) Transfer from Board of Social Work Examiners .....	49		
(53) Transfer from Surface Mining Reclamation Commission .....	982		
(54) Transfer from Department of Toxicology and Criminal Investigation .....	3,240		
(55) Transfer from Department of Youth Services .....	19,787		
Total State Personnel Department	<u>128,512</u>	<u>1,520,016</u>	<u>1,648,528</u>
70. Physical Therapy, Board of:			
(a) Professional and Occupational Licensing and Regulation Program .....			19,800
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$49.			
SOURCE OF FUNDS:			
(1) Physical Therapist Fund .....	<u>19,800</u>		
Total Board of Physical Therapy	<u>19,800</u>	<u>19,800</u>	
71. Planning and Federal Programs, Office of State:			
(a) State Planning Program .....			6,708,430
(b) Energy Management Program .....			10,310,000
(c) Special Services Program .....			390,608

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$2,062.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	2,193,770		
(2) Federal, Local and Miscellaneous Funds .....		<u>15,215,268</u>	
Total Office of State Planning and Federal Programs .....	<u>2,193,770</u>	<u>15,215,268</u>	<u>17,409,038</u>

72. Prevailing Wage Commission:

(a) Regulatory Services Program			14,580
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>14,580</u>		
Total Prevailing Wage Commission .....	<u>14,580</u>		<u>14,580</u>

73. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program			131,591
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SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds .....		<u>131,591</u>	
Total Office of Prosecution Services .....		<u>131,591</u>	<u>131,591</u>

74. Psychology, Alabama Board of Examiners in:

(a) Professional and Occupational Licensing and Regulation Program .....			16,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund .....		<u>16,000</u>	
Total Alabama Board of Examiners in Psychology .....		<u>16,000</u>	<u>16,000</u>

75. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program .....			11,585,308
(b) Criminal Investigation Program .....			2,157,197
(c) Driver's Licensing and Improvement Program .....			5,510,515

(d) Public Safety Support Services Program .....	8,457,743
(e) Administrative Services Program .....	1,789,237
(f) Alabama Criminal Justice Training Center Program .....	1,600,000

## SOURCE OF FUNDS:

(1) State General Fund .....	30,520,000	
(2) State General Fund—Capital Outlay—Building and Equipping .....	<u>580,000</u>	
Total Department of Public Safety	<u>31,100,000</u>	<u>31,100,000</u>

## 76. Public Service Commission:

(a) Administrative Services Program .....	543,580
(b) Regulatory Services Program	2,956,420

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$3,829.

## SOURCE OF FUNDS:

(1) Public Service Commission Fund .....	3,500,000
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$500,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>3,500,000</u>	<u>3,500,000</u>
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## 77. Real Estate Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Program .....	600,000
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$932.

SOURCE OF FUNDS:

(1) Alabama Real Estate Commission Fund—as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated .....	600,000	
Total Alabama Real Estate Commission .....	600,000	600,000

78. Retirement System of Alabama, Employees' (General Fund Share):

(a) Retirement System Program, Estimated .....	7,754,674
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SOURCE OF FUNDS:

(1) State General Fund—Estimated .....	7,754,674	
Total Employees' Retirement System of Alabama (General Fund Share) .....	7,754,674	7,754,674

79. Revenue Department:

(a) State Revenue Administration Program .....	21,622,498
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The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$45,270.

SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments .....	250,000	
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama .....	295,290	
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....	229,890	

(4) Transfer from the gross proceeds of the Forest Severance Tax Collections .....	195,605
(5) Transfer from the gross proceeds of Gasoline Tax Collections .....	1,533,924
(6) Transfer from the Income Tax Collections .....	5,102,655
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections .....	885,871
(8) Transfer from the gross proceeds of Motor Vehicle License Collections .....	895,780
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....	273,490
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....	675,798
(11) Transfer from the gross proceeds of Sales Tax Collections ..	7,115,921
(12) Transfer from the gross proceeds of the Tobacco Tax Collections .....	1,460,597
(13) Transfer from the gross proceeds of Use Tax Collections ..	697,598
(14) Transfer from the gross proceeds of the Utility Tax Collections—as provided in Title 40, Chapter 21, Article 4, 1975 Code of Alabama .....	455,817
(15) Federal, Local and Miscellaneous Funds .....	1,554,262

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

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Total Revenue Department .....	<u>250,000</u>	<u>21,372,498</u>	<u>21,622,498</u>
80. Revenue—Auto Title and Anti-theft:			
(a) State Revenue Administration Program .....			937,500
SOURCE OF FUNDS:			
(1) State General Fund—Transfer .....	<u>937,500</u>		
Total Revenue—Auto Title and Antitheft .....	<u>937,500</u>		<u>937,500</u>
81. Revenue—Boards of Equalization:			
(a) State Revenue Administration Program .....			136,800
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>136,800</u>		
Total Revenue—Boards of Equalization .....	<u>136,800</u>		<u>136,800</u>
82. Revenue—Motor Vehicle License:			
(a) State Revenue Administration Program .....			1,918,050
SOURCE OF FUNDS:			
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .....		<u>1,918,050</u>	
Total Revenue—Motor Vehicle License .....		<u>1,918,050</u>	<u>1,918,050</u>
83. Richmond P. Hobson Memorial Board:			
(a) Historical Resources Management Program .....			7,270
SOURCE OF FUNDS:			
(1) State General Fund—as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount .....	<u>7,270</u>		
Total Richmond P. Hobson Memorial Board .....	<u>7,270</u>		<u>7,270</u>
84. Sanitarians, Board of Registration for:			
(a) Professional and Occupational Licensing and Regulation Program .....			73,700

## SOURCE OF FUNDS:

(1) Registration Board of Sanitarians Fund—as provided in Title 34, Chapter 28, 1975 Code of Alabama .....	3,700	
Total Board of Registration for Sanitarians .....	3,700	3,700

## 85. Secretary of State:

(a) Administrative Support Services Program .....	365,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	365,000	
Total Secretary of State .....	365,000	365,000

## 86. Securities Commission:

(a) Regulatory Services Program .....	475,314
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## SOURCE OF FUNDS:

(1) State General Fund .....	390,314	
(2) Federal, Local and Miscellaneous Funds .....	60,619	
(3) Sales of Checks License Fund .....	7,381	
(4) Exemption Fund .....	17,000	
Total Securities Commission ....	390,314	475,314

## 87. Social Security Agency:

(a) Administrative Support Services Program .....	201,648
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## SOURCE OF FUNDS:

(1) State General Fund .....	191,200	
(2) Contribution Fund .....	10,448	
Total Social Security Agency ....	191,200	201,648

## 88. Social Work Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	43,500
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The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$49.

## SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund—as provided in Title 34, Chapter 30, 1975 Code of Alabama .....	43,500	
Total Alabama State Board of Social Work Examiners .....	43,500	43,500

## 89. Soil and Water Conservation Committee, Alabama State:

(a) Water Resource Development Program .....		415,235
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## SOURCE OF FUNDS:

(1) State General Fund .....	415,235	
Total Alabama State Soil and Water Conservation Committee .....	415,235	415,235

## 90. Southern Growth Policies Board:

(a) Special Services Program ....		25,300
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## SOURCE OF FUNDS:

(1) State General Fund .....	25,300	
Total Southern Growth Policies Board .....	25,300	25,300

## 91. Space Science Exhibit Commission, Alabama:

(a) Tourism and Travel Promotion Program .....		3,007,760
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## SOURCE OF FUNDS:

(1) State General Fund-Capital Outlay .....	500,000	
(2) Federal, Local and Miscellaneous Funds .....	2,577,760	
Total Alabama Space Science Exhibit Commission .....	500,000	2,577,760
		3,077,760

## 92. Speech Pathology and Audiology, Alabama Board of Examiners for:

(a) Professional and Occupational Licensing and Regulation Program .....		12,000
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## SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund—as provided in Title 34, Chapter 28A, 1975 Code of Alabama .....	12,000	
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Total Alabama Board of Examiners for Speech Pathology and Au- diology .....	12,000	12,000
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93. Surface Mining Reclamation  
Commission:

(a) Industrial Safety and Accident Prevention Program .....	1,828,900
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The appropriation to the Surface  
Mining Reclamation Commis-  
sion shall include a transfer to  
the State Personnel Department  
of \$982.

SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund—as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission .....	1,828,900
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Total Surface Mining Reclamation Commission .....	1,828,900	1,828,900
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94. Tannehill Historical State  
Park:

(a) Historical Resources Manage- ment Program .....	778,000
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SOURCE OF FUNDS:

(1) State General Fund .....	200,000
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(2) Federal, Local and Miscellane- ous Funds .....	578,000
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Total Tannehill Historical State Park .....	200,000	578,000	778,000
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95. Tennessee-Tombigbee Water-  
way Development Authority:

(a) Water Resource Development Program .....	474,951
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SOURCE OF FUNDS:

(1) State General Fund—as pro- vided in Title 33, Chapter 8, 1975 Code of Alabama as amended .	140,000
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(2) Federal, Local and Miscellane- ous Funds .....	334,951
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Total Tennessee-Tombigbee Waterway Development Authority .....	140,000	334,951	474,951
96. Toxicology and Criminal Investigation, Alabama Department of:			
(a) Forensic Science Services Program .....			2,846,500
The appropriation to the Alabama Department of Toxicology and Criminal Investigation shall include a transfer to the State Personnel Department of \$3,240.			
SOURCE OF FUNDS:			
(1) State General Fund .....	1,955,000		
(2) State General Fund—Transfer—Capital Outlay .....	700,000		
(3) Federal, Local and Miscellaneous Funds .....		191,500	
Total Alabama Department of Toxicology and Criminal Investigation .....	2,655,000	191,500	2,846,500
97. Treasurer, State:			
(a) Fiscal Management Program .....			864,500
SOURCE OF FUNDS:			
(1) State General Fund .....	864,500		
Total State Treasurer .....	864,500		864,500
98. Uniform State Laws, Commission on:			
(a) Special Services Program ....			4,275
SOURCE OF FUNDS:			
(1) State General Fund—as provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama ..	4,275		
Total Commission on Uniform State Laws .....	4,275		4,275
99. Veterans Affairs, Department of:			
(a) Administration of Veterans Affairs Program .....			1,560,430
SOURCE OF FUNDS:			
(1) State General Fund .....	1,560,430		
Total Department of Veterans Affairs .....	1,560,430		1,560,430

## 100. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	10,925
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## SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund—as provided in Title 34, Chapter 29, 1975 Code of Alabama .....	10,925
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Total Alabama State Board of Veterinary Medical Examiners ...	10,925	10,925
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## 101. Water and Waste Water Systems Personnel, Board of Certification for:

(a) Professional and Occupational Licensing and Regulation Program .....	4,800
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## SOURCE OF FUNDS:

(1) Operators Certification Fund—as provided in Title 22, Chapter 25, 1975 Code of Alabama .....	4,800
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Total Board of Certification for Water and Waste Water Systems Personnel .....	4,800	4,800
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## 102. Water Well Standards Board, Alabama:

(a) Professional and Occupational Licensing and Regulation Program .....	51,000
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## SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund—as provided in Title 22, Chapter 24, 1975 Code of Alabama .....	51,000
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Total Alabama Water Well Standards Board .....	51,000	51,000
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## 103. Women's Commission, Alabama:

(a) Employment and Social Opportunities Program .....	10,300
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## SOURCE OF FUNDS:

(1) State General Fund .....	10,300
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Total Alabama Women's Commission .....	10,300	10,300
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104. Firefighters' Personnel Standards and Education Commission, Alabama

(a) Professional and Occupational Licensing & Regulation Program .....

135,325

The appropriation of the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) General Fund ..... 135,325

Total Alabama Firefighters' Personnel Standards and Education Commission .....

135,325

135,325

105. Library Service, Public

(a) Public Library Service Program .....

3,844,162

The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,700.

SOURCE OF FUNDS:

(1) General Fund ..... 2,685,000

(2) Federal and Local Funds ....

1,159,162

Total Public Library Service ....

2,685,000

1,159,162

3,844,162

106. Peace Officers Standards and Training Commission, Alabama

(a) Professional and Occupational Licensing and Regulation Program .....

80,000

(b) Certified Law Enforcement Academy Programs .....

,000

Jacksonville State University ..... 50,500

University of Alabama ... 50,500

James H. Faulkner Jr. Col. 50,500

Troy State Univ. Montgomery ..... 50,500

The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$98.

## SOURCE OF FUNDS:

(1) General Fund .....	<u>282,000</u>	
Total Alabama Peace Officers Standards and Training Com- mission .....	<u>282,000</u>	<u>282,000</u>

D. Other Functions of Government  
Funded from the General Fund:

## 1. Advertising Lands for Tax Sale:

(a) State Revenue Administration Program, Estimated .....		45,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>45,000</u>	
Total Advertising Lands for Tax Sale .....	<u>45,000</u>	<u>45,000</u>

## 2. Arrest of Absconding Felons:

(a) Criminal Investigation Program, Estimated .....		51,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>51,000</u>	
Total Arrest of Absconding Felons	<u>51,000</u>	<u>51,000</u>

## 3. Automatic Appeal Expense:

(a) Legal Advice and Legal Service Program, Estimated .....		1,700
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## SOURCE OF FUNDS:

(1) State General Fund as provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Alabama .....	<u>1,700</u>	
Total Automatic Appeal Expense	<u>1,700</u>	<u>1,700</u>

4. Civil Court Costs in Connection  
with Ad Valorem Tax  
assessments appeals:

(a) State Revenue Administration Program, Estimated .....		200
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>200</u>	
Total Civil Court Costs in Connection with Ad Valorem Tax Assessments Appeals .....	<u>200</u>	<u>200</u>

## 5. Consumer Utility Rate Hearing:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama .....	<u>250,000</u>	
Total Consumer Utility Rate Hearing .....	<u>250,000</u>	<u>250,000</u>

6. Council of State Governments:

(a) Legislative Operations and Support Program .....		42,100
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>42,100</u>	
Total Council of State Governments .....	<u>42,100</u>	<u>42,100</u>

7. Court Costs—Act No. 558, 1957:

(a) Court Operations Program, Estimated .....		50,000
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SOURCE OF FUNDS:

(1) State General Fund pursuant to Act No. 558, 1957, page 777 .....	<u>50,000</u>	
Total Court Costs—Act No. 558, 1957 .....	<u>50,000</u>	<u>50,000</u>

8. Courts Costs Not Otherwise  
Provided for:

(a) Legal Advice and Legal Service Program, Estimated .....		670,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>670,000</u>	
Total Court Costs Not Otherwise Provided For .....	<u>670,000</u>	<u>670,000</u>

9. Distribution of Public  
Documents:

(a) Administrative Support Service Program, Estimated ...		1,500
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,500</u>	
Total Distribution of Public Documents .....	<u>1,500</u>	<u>1,500</u>

10. Election Expenses:

(a) Special Services Program, Estimated .....		500,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>500,000</u>	
Total Election Expenses .....	<u>500,000</u>	<u>500,000</u>

## 11. Emergency Fund, Departmental:

(a) Special Services Program ....		450,000
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## SOURCE OF FUNDS:

## (1) State General Fund

(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section) .....

450,000

Total Departmental Emergency Fund .....	<u>450,000</u>	<u>450,000</u>
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## 12. Fair Trial Tax Transfer:

(a) Court Operations Program ..		100,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>100,000</u>	
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Total Fair Trial Tax Transfer ...	<u>100,000</u>	<u>100,000</u>
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## 13. Feeding of Prisoners:

(a) Institutional Services Corrections Program, Estimated .....		3,000,000
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## SOURCE OF FUNDS:

(1) State General Fund for expenses of feeding prisoners in county jails .....	<u>3,000,000</u>	
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Total Feeding of Prisoners .....	<u>3,000,000</u>	<u>3,000,000</u>
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14. General Government: .....		12,500,000
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## SOURCE OF FUNDS:

(1) Federal Revenue Sharing ....	<u>12,500,000</u>	
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Total General Government .....	<u>12,500,000</u>	<u>12,500,000</u>
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## 15. Governors' Conference, National:

(a) Executive Direction Program		40,892
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>40,892</u>	
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Total National Governors' Conference .....	<u>40,892</u>	<u>40,892</u>
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16. Governor's Councillor:

(a) Executive Direction Program 36,000

SOURCE OF FUNDS:

(1) State General Fund as provided  
in Title 36, Chapter 13, Section  
13, 1975 Code of Alabama . . . . 36,000

Total Governor's Councillor . . . . 36,000 36,000

17. Governor's Proclamation Ex-  
penses:

(a) Executive Direction Program 150,000

SOURCE OF FUNDS:

(1) State General Fund . . . . . 150,000

Total Governor's Proclamation Ex-  
penses . . . . . 150,000 150,000

18. Governor's Widows Retire-  
ment:

(a) Executive Direction Program 14,400

SOURCE OF FUNDS:

(1) State General Fund . . . . . 14,400

Total Governors' Widows Retire-  
ment . . . . . 14,400 14,400

19. Insurance, State Employees':

(a) Administrative Support Ser-  
vice Program, Estimated . . . . . 2,100,000

SOURCE OF FUNDS:

(1) State General Fund,  
Estimated . . . . . 2,100,000

Total State Employees' Insurance 2,100,000 2,100,000

20. Interpreter's Account:

(a) Court Support Services Pro-  
gram, Estimated . . . . . 1,000

SOURCE OF FUNDS:

(1) State General Fund as provided  
in Title 12, Chapter 21, Sections  
131-134, 1975 Code of Alabama . . . . 1,000

Total Interpreter's Account . . . . 1,000 1,000

21. Law Enforcement Fund:

(a) Special Police Services Pro-  
gram . . . . . 9,000

SOURCE OF FUNDS:

(1) State General Fund—Transfer . . . . 9,000

Total Law Enforcement Fund . . .	<u>9,000</u>	<u>9,000</u>
22. Law Enforcement Legal Defense:		
(a) Legal Advice and Legal Service Program . . . . .		5,000
SOURCE OF FUNDS:		
(1) State General Fund to carry out provisions of Act No. 259, 1957 Regular Session . . . . .	<u>5,000</u>	
Total Law Enforcement Legal Defense . . . . .	<u>5,000</u>	<u>5,000</u>
23. Legislators, National Conference of State:		
(a) Legislative Operations and Support Program . . . . .		38,720
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	<u>38,720</u>	
Total National Conference of State Legislators . . . . .	<u>38,720</u>	<u>38,720</u>
24. Mailing Tax Notices:		
(a) State Revenue Administration Program, Estimated . . . . .		1,000
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	<u>1,000</u>	
Total Mailing Tax Notices . . . . .	<u>1,000</u>	<u>1,000</u>
25. Matching Federal Funds Not Otherwise Provided For:		
(a) Court Operations Program . .		90,000
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	<u>90,000</u>	
Total Matching Federal Funds Not Otherwise Provided For . . . . .	<u>90,000</u>	<u>90,000</u>
26. Mental Health Fund, Alabama Special: . . . . .		22,562,500
SOURCE OF FUNDS:		
(1) State General Fund Transfer . . . . .	<u>22,562,500</u>	
Total Alabama Special Mental Health Fund . . . . .	<u>22,562,500</u>	<u>22,562,500</u>
27. Printing of Legislative Acts and Journals:		
(a) Administrative Support Services Program, Estimated . . . . .		163,300

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SOURCE OF FUNDS:

(1) State General Fund .....	<u>163,300</u>	
Total Printing of Legislative Acts and Journals .....	<u>163,300</u>	<u>163,300</u>

28. Printing of State and County  
Privilege Licenses:

(a) State Revenue Administration Program .....		11,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>11,000</u>	
Total Printing of State and County Privilege Licenses .....	<u>11,000</u>	<u>11,000</u>

29. Public Defenders:

(a) Court Operations Program ..		33,000
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SOURCE OF FUNDS:

(1) State General Fund for salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Ses- sion .....	<u>33,000</u>	
Total Public Defenders .....	<u>33,000</u>	<u>33,000</u>

30. Registration of Voters:

(a) Special Services Program, Es- timated .....		600,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>600,000</u>	
Total Registration of Voters .....	<u>600,000</u>	<u>600,000</u>

31. Removal of prisoners:

(a) Special Police Services Pro- gram, Estimated .....		105,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>105,000</u>	
Total Removal of Prisoners .....	<u>105,000</u>	<u>105,000</u>

32. Social Security (General Fund  
Share):

(a) Administrative Support Ser- vice Program, Estimated .....		3,700,000
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,700,000</u>	
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Total Social Security (General Fund Share) .....	3,700,000	3,700,000
33. State Treasurer—Previous Year's Unpaid Warrants:		
(a) Special Services Program, Estimated .....		136,000
SOURCE OF FUNDS:		
(1) State General Fund .....	136,000	
Total State Treasurer—Previous Years Unpaid Warrants .....	136,000	136,000
E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:		
1. Amos Alonzo Stagg Bowl:		
(a) Tourism and Travel Promotion Program .....		3,850
SOURCE OF FUNDS:		
(1) State General Fund .....	3,850	
Total Amos Alonzo Stagg Bowl ..	3,850	3,850
2. Appalachian Regional Commission:		
(a) Planning Program .....		168,625
SOURCE OF FUNDS:		
(1) State General Fund .....	168,625	
Total Appalachian Regional Commission .....	168,625	168,625
3. Armed Forces Day In Alabama:		
(a) Historical Resources Management Program .....		1,150
SOURCE OF FUNDS:		
(1) State General Fund .....	1,150	
Total Armed Forces Day in Alabama .....	1,150	1,150
4. Azalea Trail Festival, Mobile:		
(a) Tourism and Travel Promotion Program .....		2,140
SOURCE OF FUNDS:		
(1) State General Fund .....	2,140	
Total Mobile Azalea Trail Festival .....	2,140	2,140
5. Big Nance Creek Water Management District:		
(a) Water Resource Development Program .....		1,925



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SOURCE OF FUNDS:

(1) State General Fund .....	1,925	
Total Big Nance Creek Water Management District .....	1,925	1,925

6. Birmingham Chamber Music Society:

(a) Fine Arts Program .....		2,140
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SOURCE OF FUNDS:

(1) State General Fund .....	2,140	
Total Birmingham Chamber Music Society .....	2,140	2,140

7. Birmingham Festival of Arts, Inc.:

(a) Fine Arts Program .....		21,380
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SOURCE OF FUNDS:

(1) State General Fund .....	21,380	
Total Birmingham Festival of Arts, Inc. ....	21,380	21,380

8. Birmingham Sickle Cell:

(a) Sickle Cell Education Program .....		30,000
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SOURCE OF FUNDS:

(1) State General Fund .....	30,000	
Total Birmingham Sickle Cell ...	30,000	30,000

9. Blue and Gray Association Inc.:

(a) Tourism and Travel Promotion Program .....		7,700
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SOURCE OF FUNDS:

(1) State General Fund .....	7,700	
Total Blue and Gray Association, Inc. ....	7,700	7,700

10. Chilton County Peach Festival:

(a) Tourism and Travel and Promotion Program .....		6,400
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SOURCE OF FUNDS:

(1) State General Fund .....	6,400	
Total Chilton County Peach Festival .....	6,400	6,400

11. Choccolocco Creek Watershed Association:

(a) Water Resource Development Program .....		3,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,000</u>	
Total Choccolocco Creek Watershed Association .....	<u>3,000</u>	<u>3,000</u>

12. Choctawhatchee River  
Watershed Association, South-  
east:

(a) Water Resource Development Program .....		1,925
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,925</u>	
Total Southeast Choctawhatchee River Watershed Association ..	<u>1,925</u>	<u>1,925</u>

## 13. Civil Air Patrol:

(a) Readiness and Recovery Pro- gram .....		30,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>30,000</u>	
Total Civil Air Patrol .....	<u>30,000</u>	<u>30,000</u>

14. Coosa-Alabama River Im-  
provement Association:

(a) Water Resource Development Program .....		10,700
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>10,700</u>	
Total Coosa-Alabama River Im- provement Association .....	<u>10,700</u>	<u>10,700</u>

15. Coosa River Action Council,  
Inc.:

(a) Water Resource Development Program .....		8,550
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>8,550</u>	
Total Coosa River Action Council, Inc. ....	<u>8,550</u>	<u>8,550</u>

16. Deep Sea Fishing Rodeo, Ala-  
bama:

(a) Tourism and Travel Promotion Program .....		1,285
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,285</u>	
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Total Alabama Deep Sea Fishing Rodeo .....	1,285	1,285
17. Dynne Creek Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	1,925	
Total Dynne Creek Watershed Cons. Dist. ....	1,925	1,925
18. Elk River Development Agency:		
(a) Water Resource Development Program .....		6,400
SOURCE OF FUNDS:		
(1) State General Fund .....	6,400	
Total Elk River Development Agency .....	6,400	6,400
19. Elyton Recovery Center:		
(a) Non-Institutional Treatment & Care Program .....		155,000
SOURCE OF FUNDS:		
(1) State General Fund—Capital Improvement .....	155,000	
Total Elyton Recovery Center ...	155,000	155,000
20. Energy Board, Southern States:		
(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program .....		21,171
SOURCE OF FUNDS:		
(1) State General Fund .....	21,171	
Total Southern States Energy Board .....	21,171	21,171
21. Federation of Southern Cooperatives:		
(a) Tourism and Travel Promotion Program .....		8,550
(For Miss Black Alabama Pageant)		
SOURCE OF FUNDS:		
(1) State General Fund .....	8,550	

Total Federation of Southern Cooperatives .....	<u>8,550</u>	<u>8,550</u>
22. Forest Festival, Alabama:		
(a) Forest Information and Education Program .....		4,275
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>4,275</u>	
Total Alabama Forest Festival ..	<u>4,275</u>	<u>4,275</u>
23. Geneva County Tomato Festival:		
(a) Tourism and Travel Promotion Program .....		4,275
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>4,275</u>	
Total Geneva County Tomato Festival .....	<u>4,275</u>	<u>4,275</u>
24. George Lindsey Celebrity Benefit, Inc.:		
(a) Tourism and Travel Promotion Program .....		8,550
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>8,550</u>	
Total George Lindsey Celebrity Benefit, Inc. ....	<u>8,550</u>	<u>8,550</u>
25. Gulf Shores Tourist Association:		
(a) Tourism and Travel Promotion Program .....		11,543
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>11,543</u>	
Total Gulf Shores Tourist Association .....	<u>11,543</u>	<u>11,543</u>
26. Guntersville Boat Races:		
(a) Tourism and Travel Promotion Program .....		7,310
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>7,310</u>	
Total Guntersville Boat Races ...	<u>7,310</u>	<u>7,310</u>
27. Hank Williams Memorial Association:		
(a) Historical Resources Management Program .....		4,275

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SOURCE OF FUNDS:

(1) State General Fund .....	<u>4,275</u>	
Total Hank Williams Memorial Association .....	<u>4,275</u>	<u>4,275</u>

28. Helen Keller Property Board:

(a) Historical Resources Management Program .....		4,275
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>4,275</u>	
Total Helen Keller Property Board .....	<u>4,275</u>	<u>4,275</u>

29. Interstate Mining Commission:

(a) Planning Program .....		8,901
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>8,901</u>	
Total Interstate Mining Commission .....	<u>8,901</u>	<u>8,901</u>

30. Junior Miss Pageant, Inc., America's:

(a) Tourism and Travel Promotion Program .....		18,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>18,000</u>	
Total America's Junior Miss Pageant, Inc. ....	<u>18,000</u>	<u>18,000</u>

31. Ketchepedrakee Creek Watershed Conservancy District:

(a) Water Resource Development Program .....		1,925
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,925</u>	
Total Ketchepedrakee Creek Watershed Conservancy District .....	<u>1,925</u>	<u>1,925</u>

32. Lake Eufaula Summer Spectacular:

(a) Tourism and Travel Promotion Program .....		7,700
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>7,700</u>	
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Total Lake Eufaula Summer Spectacular .....	<u>7,700</u>	<u>7,700</u>
33. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program .....		3,848
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>3,848</u>	
Total Mobile Carnival Association .....	<u>3,848</u>	<u>3,848</u>
34. Mountain Lakes Tourist Association, Alabama:		
(a) Tourism and Travel Promotion Program .....		19,665
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>19,665</u>	
Total Alabama Mountain Lakes Tourist Association .....	<u>19,665</u>	<u>19,665</u>
35. Pea River Historical and Genealogical Society:		
(a) Historical Resources Management Program .....		4,275
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>4,275</u>	
Total Pea River Historical and Genealogical Society .....	<u>4,275</u>	<u>4,275</u>
36. Pea River Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,925</u>	
Total Pea River Watershed Conservancy District .....	<u>1,925</u>	<u>1,925</u>
37. Peanut Festival Association, Inc., National:		
(a) Tourism and Travel Promotion Program .....		10,260
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>10,260</u>	
Total National Peanut Festival Association, Inc. ....	<u>10,260</u>	<u>10,260</u>
38. Pike County Pioneer Museum Association:		

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(a) Historical Resources Management Program ..... 4,275

SOURCE OF FUNDS:

(1) State General Fund ..... 4,275

Total Pike County Pioneer Museum Association ..... 4,275 4,275

39. Pimento Festival:

(a) Tourism and Travel Promotion Program ..... 855

SOURCE OF FUNDS:

(1) State General Fund ..... 855

Total Pimento Festival ..... 855 855

40. Riverboat Commission, Inc.,  
Montgomery:

(a) Tourism and Travel Promotion Program ..... 19,250

SOURCE OF FUNDS:

(1) State General Fund ..... 19,250

Total Montgomery Riverboat Commission, Inc. .... 19,250 19,250

41. Shakespeare Festival, Alabama:

(a) Fine Arts Program ..... 6,410

SOURCE OF FUNDS:

(1) State General Fund ..... 6,410

Total Alabama Shakespeare Festival ..... 6,410 6,410

42. Southern Championship Charity Horseshow:

(a) Tourism and Travel Promotion Program ..... 4,275

SOURCE OF FUNDS:

(1) State General Fund ..... 4,275

Total Southern Championship Charity Horseshow ..... 4,275 4,275

43. Spirit of America Festival, Inc.:

(a) Tourism and Travel Promotion Program ..... 3,850

SOURCE OF FUNDS:

(1) State General Fund ..... 3,850

Total Spirit of America Festival, Inc. ....	<u>3,850</u>	<u>3,850</u>
44. Sports Hall of Fame:		
(a) Historical Resources Manage- ment Program .....		28,500
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>28,500</u>	
Total Sports Hall of Fame .....	<u>28,500</u>	<u>28,500</u>
45. Steer Show Association, Ala- bama State:		
(a) Agricultural Development Services Program .....		7,695
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>7,695</u>	
Total Alabama State Steer Show Association .....	<u>7,695</u>	<u>7,695</u>
46. Tallacoosa Highland Lakes Association:		
(a) Tourism and Travel Promotion Program .....		7,700
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>7,700</u>	
Total Tallacoosa Highland Lakes Association .....	<u>7,700</u>	<u>7,700</u>
47. Tallassee hatchie Creek Watershed Conservancy Dis- trict:		
(a) Water Resource Development Program .....		1,700
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,700</u>	
Total Tallassee hatchie Creek Watershed Conservancy District .....	<u>1,700</u>	<u>1,700</u>
48. Tennessee River Valley Asso- ciation:		
(a) Water Resource Development Program .....		11,970
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>11,970</u>	
Total Tennessee River Valley As- sociation .....	<u>11,970</u>	<u>11,970</u>



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49. Tennessee Valley Publicity  
and Improvement Association:

(a) Tourism and Travel Promotion  
Program ..... 34,200

SOURCE OF FUNDS:

(1) State General Fund ..... 34,200

Total Tennessee Valley Publicity  
and Improvement Association .. 34,200 34,200

50. Terrapin Creek Watershed  
Conservancy District:

(a) Water Resource Development  
Program ..... 1,925

SOURCE OF FUNDS:

(1) State General Fund ..... 1,925

Total Terrapin Creek Watershed  
Conservancy District ..... 1,925 1,925

51. Travel Council, Alabama:

(a) Tourism and Travel Promotion  
Program ..... 34,200

SOURCE OF FUNDS:

(1) State General Fund ..... 34,200

Total Alabama Travel Council .. 34,200 34,200

52. Tri-Rivers Waterway Devel-  
opment Association:

(a) Water Resource Development  
Program ..... 23,085

SOURCE OF FUNDS:

(1) State General Fund ..... 23,085

Total Tri-Rivers Waterway Devel-  
opment Association ..... 23,085 23,085

53. Vestavia Hills Dogwood Festi-  
val and Trail:

(a) Tourism and Travel Promotion  
Program ..... 855

SOURCE OF FUNDS:

(1) State General Fund ..... 855

Total Vestavia Hills Dogwood Fes-  
tival and Trail ..... 855 855

54. Veterans Day Committee, Na-  
tional:

(a) Historical Resources Manage-  
ment Program ..... 5,990

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>5,990</u>	
Total National Veterans Day Committee .....	<u>5,990</u>	<u>5,990</u>

## 55. Veterans Day in Alabama:

(a) Historical Resources Management Program .....		1,710
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,710</u>	
Total Veterans Day in Alabama ..	<u>1,710</u>	<u>1,710</u>

## 56. Women's Hall of Fame, Alabama:

(a) Historical Resources Management Program .....		5,815
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>5,815</u>	
Total Alabama Women's Hall of Fame .....	<u>5,815</u>	<u>5,815</u>

## 57. Y. M. C. A. Youth Legislature:

(a) Special Services Program ....		10,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>10,000</u>	
Total Y. M. C. A. Youth Legislature .....	<u>10,000</u>	<u>10,000</u>

## 58. Mary E. Dorse Recreational &amp; Educational Center:

(a) Financial Assistance Program .....		5,000
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## SOURCE OF FUNDS:

(1) General Fund .....	<u>5,000</u>	
Total Mary E. Dorse Recreational and Educational Center .....	<u>5,000</u>	<u>5,000</u>

## F. DEBT SERVICE FUNDED FROM THE GENERAL FUND:

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated .....		1,141,188
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## SOURCE OF FUNDS:

(1) State General Fund, Series A and B, Estimated .....	<u>1,141,188</u>	
Total General Obligation Capital Improvement Bonds, Series A and B, Estimated .....	<u>1,141,188</u>	<u>1,141,188</u>

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2. General Obligation Coosa Waterway Bonds, Series A, Es- timated .....	650,848
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SOURCE OF FUNDS:

(1) State General Fund .....	650,848
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Total General Obligation Coosa Waterway Bonds, Series A, Es- timated .....	650,848	650,848
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3. General Obligation Docks Facilities Bonds, Series A and B, Estimated .....	2,899,600
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SOURCE OF FUNDS:

(1) State General Fund .....	2,899,600
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Total General Obligation Docks Facilities Bonds, Series A and B, Estimated .....	2,899,600	2,899,600
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4. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....	613,200
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SOURCE OF FUNDS:

(1) State General Fund .....	613,200
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Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....	613,200	613,200
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5. Inland Waterway Improvement Bonds, Series A through D, Es- timated .....	437,543
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SOURCE OF FUNDS:

(1) State General Fund .....	437,543
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Total Inland Waterway Improve- ment Bonds, Series A through D, Estimated .....	437,543	437,543
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6. Tennessee-Tombigbee Water- way Bonds, Series A and B, Es- timated .....	880,433
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SOURCE OF FUNDS:

(1) State General Fund, Estimated pursuant to Constitutional Amendment No. CCLXX as pro- vided in Act No. 248, 1967 Regu- lar Session .....	880,433
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Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated .....	880,433	880,433
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Section 3. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 4 and 5 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 4. That any surplus remaining in any appropriation herein made from the General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 5. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 6. a) From the amounts received by the State of Alabama during the period October 1, 1980 through September 30, 1981, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress and any interest earned by the State thereon there is hereby appropriated the following: To the General Fund for salary increases for state employees ..... 9,000,000

b) From the amounts received by the State of Alabama during the period October 1, 1980, through September 30, 1981, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress, to the extent such amounts exceed the amounts appropriated in subsection (a), and any interest earned by the State thereon, there is hereby appropriated the following:

A. To Board of Corrections for operations and maintenance of the penal system .....	7,000,000
B. To General Fund, State Agencies or Salary Increase .....	3,500,000
C. To Department of Mental Health to be used for operations and maintenance .....	16,400,000
Total .....	26,900,000

The amounts appropriated in this subsection are to be in lieu of any revenue sharing funds appropriated in Section 2 to the above mentioned departments. The revenue sharing funds in Section 2 should not be construed to be an additional appropriation. In the event that the amount of funds

actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing from the Revenue Sharing Investments are hereby appropriated for the General Government to be spent at the discretion of the Governor. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation in this subsection shall be reduced on a pro rata basis.

Section 7. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase, or agreement made prior to September 30, 1980 for such items, unless approved or reapproved on or after October 1, 1980 by the Director of Finance.

Section 8. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 9. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 10. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 11. That this Act shall become effective October 1, 1980.

Mr. Keener offered the following amendment to the substitute for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 533

Amend Substitute for House Bill 533, Page 7, line 17, by striking out the figures "\$67,000" and inserting in lieu thereof the figures "\$83,000", and changing subsequent figures accordingly.

On motion of Mr. Pearson, said amendment was laid on the table.

Mr. St. John offered the following amendment to the substitute for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE FOR H. B. 533

Amend H. B. 533, Section 2, D, 23, page 75, line 16, by striking the figure "38,720" and insert in lieu thereof: 43,390

On line 18, page 75, strike the figure "38,720" and insert in lieu thereof: 43,390

On line 20, page 75, strike the figure "38,720" and insert in lieu thereof: 43,390

Which was adopted.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Martin	Robertson
Barron	Hall	McDonald	St. John
Britnell	Higginbotham	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
deGraffenried	Kirkland	Parsons	Teague
Figures	Lemaster	Pearson	Vacca
Glass	Little	Proctor	White
Goodwin			—28
<i>Nay:</i> Mr. Keener			—1

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 129. Relating to Macon County; to give the county commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, schools, individual or non-profit associations or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or the sale of materials under the provisions of this Act.

Also:

S. 511. Relating to the City of Foley in Baldwin County; authorizing the utilities board of the City of Foley to establish, purchase, construct, maintain, lease and operate a television cable system and to furnish television cable and auxiliary service to the residents of the city and to customers of the said board and in surrounding territory; prescribing its powers in connection therewith; authorizing and regulating the issuance and security of bonds and other evidences of indebtedness by such board in connection with such systems; providing for the payment of such bonds and other evidences of indebtedness and the rights of the holders thereof; and exempting the utilities board transacting business pursuant to this Act from the jurisdiction and control of the Alabama Public Service Commission.

Also:

S. 564. To create a board of trustees of the policemen and firemen's retirement fund of the City of Gadsden, Alabama to provide for the composition of said board; to provide for a secretary-treasurer of said board and custodial care of such funds; to provide for the composition of said retirement fund and the investment thereof; to provide for the payment of monies from such fund; to exempt the same from attachment and garnishment or other levy by legal process; to provide for voluntary, mandatory and disability retirement; to fix the amount of the retirement pensions; to provide the amounts payable to widows or dependents; and to provide appeals from any decision of said board.

Also:

S. J. R. 175. CONTINUING AND RE-ORGANIZING AN INTERIM COMMITTEE ON MUNICIPAL GOVERNMENT.

Also:

S. 466. To amend Section 22-28-23, Code of Alabama 1975, (Alabama Air Pollution Control Act) in order to remove the authority of municipal governing bodies to exercise air pollution control jurisdiction over agricultural and farming operations conducted within the corporate limits or police jurisdiction of such municipality.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolution the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 859. Relating to the Twenty-third Judicial Circuit consisting of Madison County; to provide for the parking of jurors and to provide for the assessment, collection and use of additional taxes as court costs and to further provide for the distribution of such taxes to defray the expense of juror and criminal witness parking.

Also:

H. 911. To amend Act No. 1862, H. 2686, Regular Session 1971 (Acts, p. 3024), relating to all counties having population of not less than 175,000 nor more than 300,000, so as to authorize the Director of the County License Department created thereunder to charge and collect a fee not to exceed \$1.00 for each motor vehicle license tag issued by mail in addition to all other fees prescribed by law; and repealing conflicting laws.

Also:

H. 933. To authorize the Russell County Commission to levy a privilege or license tax on persons, corporations, co-partnerships, companies, agencies and associations selling, distributing, or delivering any malt or brewed beverages to retailers in Russell County except within the city limits of Phenix City and Hurtsboro and two cents in the Phenix City police jurisdiction, to authorize the county commission to collect the tax and to effect distribution thereof to Russell County to be used for the county school system and the county general fund; to authorize the county commission to make rules and regulations to govern enforcement and collection of the tax; and to provide for the use of the proceeds derived from the tax.

Also:

H. 988. To Amend Act Number 940, H. 1956, 1973 Regular Session (1973 Acts. p. 1445) entitled "An Act Relating to Madison County and the Twenty-third Judicial Circuit; pertaining to Solicitor's or District Attorney's Fund" so as to further regulate the distribution of such fund.

Also:

H. 1012. Relating to Chambers County; to authorize the county commission to impose a privilege or license tax upon the sale, use or consumption of malt or brewed beverages; to provide for the administration and enforcement of this act; and to provide for the rate and distribution of the proceeds of the tax.

Also:

H. 1019. To authorize the Wilcox County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost therefor, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 1038. Relating to Choctaw County; to provide for an advisory only referendum on the question of the manner of selection of the county superintendent of education.

Also:

H. 1039. Relating to Sumter County; providing for the life saving standard that any person hunting deer with guns wear "hunter orange" and providing certain exceptions.

Also:

H. 1040. To authorize the Perry County Commission to provide protection against forest fires within the county and to assess the whole or a part of the cost thereof, within a prescribed limit, against forest lands in the county; and to prescribe the procedure for levying and collecting such assessments.

Also:

H. 1041. Relating to Perry County; authorizing the County commission to change its day of regular meeting of the Commission from the second and fourth Monday of each month as specified in Code of Alabama 1975, Title 11, Chapter 3, Section 8, to the second and fourth Tuesday of each month.

Also:

H. 1042. Relating to Perry County; authorizing the county commission to levy an additional privilege, license or excise tax upon sellers, distributors, or users of malt or brewed beverages outside the municipal limits of Marion and Uniontown; and to provide for the distribution of the proceeds of said tax.

Also:

H. 1043. Relating to Clay County; providing further for the compensation of election officials.



Also:

H. 1046. Relating to Geneva County; providing that the Geneva County Commission or like governing body of Geneva County shall be authorized to levy sales and use taxes generally paralleling the state sales and use taxes with the same and additional exemptions and exclusions; providing for the collection of the revenue from said taxes; providing for the distribution of said revenue; providing that any such taxes may be levied in Geneva County as a whole or that there may be excluded from any such levy any incorporated municipality in Geneva County in which the general administration and supervision of public schools shall be vested in a city board of education; and providing for the discretionary holding of an advisory referendum.

Also:

H. 1058. Relating to Tallapoosa County; removing raccoons and foxes from the category of fur-bearing animals.

Also:

H. 1059. Relating to Baldwin County; authorizing the county commission to protect the historic and preservation districts; creating certain agencies to promote the preservation of such districts which are located or are to be located in the designated historic districts; and adopting other provisions necessary to effect the purposes of this act.

Also:

H. 1060. Relating to Baldwin County; to provide further for the compensation of election officers.

Also:

H. 1061. Relating to Baldwin County; to regulate and control the operation and licensing of massage parlors and to provide penalties for violation.

Also:

H. 1062. Relating to Baldwin County; levying an additional sales tax paralleling the state sales tax provided for in Sections 40-23-1, 40-23-2, 40-23-3, and 40-23-4, Code of Alabama 1975, providing for the collection, distribution and use of the proceeds of such tax; providing for the enforcement of this act by the state department of revenue; prescribing penalties and fixing punishment for violation of this act; and to provide that the substantive provisions hereof must be approved by the voters of the area in which the tax would be levied.

Also:

H. 932. Proposing an amendment to the Constitution Of Alabama to provide for fire protection in Lee County; to authorize the establishment of firefighting districts for fire protection services.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of

a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 534. To make appropriations for the support and maintenance of the Marion Military Institute.

Also:

H. 535. To make appropriations for the support and maintenance of the Lyman Ward Military Academy.

Also:

H. 536. To make appropriations for the support and maintenance of the Talladega College.

Also:

H. 537. To make appropriations for the support and maintenance of the Walker County Junior College.

Also:

H. 538. To make appropriations for the support and maintenance of the Tuskegee Institute.

Also:

H. 815. To make further appropriations of State Funds for the fiscal year ending September 30, 1980.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 219. EXPRESSING APPRECIATION TO THE ROTUNDA TELEPHONE OPERATORS FOR THEIR COURTEOUS ASSISTANCE TO MEMBERS OF THE LEGISLATURE.

Also:

H. J. R. 233. COMMENDING THE "PRIDE OF THE SOUTH," THE DALEVILLE HIGH SCHOOL BAND.

Also:

H. J. R. 234. RECOGNIZING THE OUTSTANDING JUNIOR R.O.T.C. PROGRAM OF DALEVILLE HIGH SCHOOL.

Also:

H. J. R. 239. COMMENDING DR. O. S. GUMBS, GRAND POLEMARCH OF KAPPA ALPHA PSI.

Also:

H. J. R. 241. COMMENDING DOCTOR O. R. GRIMES OF GADSDEN ON FIFTY YEARS OF DEDICATED SERVICE TO HIS PROFESSION.

Also:

H. J. R. 242. COMMENDING MR. FRANK HELDERMAN, SR., RECIPIENT OF THE WILLIAM CRAWFORD GORGAS AWARD.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 533

The Senate proceeded to further consideration of the Bill, H. B. 533. The question was on the Pearson substitute, as amended.

Mr. Barron moved that the Bill, H. B. 533, and pending substitute, as amended, be postponed temporarily, which motion was lost.

Yeas 9; Nays 20.

*Yeas:*

Messrs.:	Figures	Higginbotham	Smith
Barron	Goodwin	Martin	White
deGraffenried	Hall		

—9

*Nays:*

Messrs.:	Harrison	Little	Proctor
Britnell	Holmes	McDonald	St. John
Callahan	Keener	Miller	Taylor
Cook	Kirkland	Mitchem	Teague
Denton	Lemaster	Parsons	Vacca
Gulledge			

—20

Mr. deGraffenried offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend substitute, as amended, for House Bill No. 533 Page 34 Line 20, by striking out the figure 8,400 and inserting in lieu thereof the following: "13,400".

Further amend H. B. 533 on page 34 line 26 by striking the figure 7,700 and inserting in lieu thereof the following: "12,700".

Further amend H. B. 533 on page 34 line 29 by striking the figures: "7,700; 700; 8,400" and inserting in lieu thereof the following: "12,700; 700; 13,400".

Further amend H. B. 533 on page 57 lines 6, 8 and 9 by striking the figure 14,500 and inserting in lieu thereof the following: "9,500".

Which was adopted.

Mr. Mitchem offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend H. B. 533, Section 2 C 8, under the column Appropriation Total relating to the Department of Agriculture and Industries as follows:

On Line 11, of Page 15, delete the figure "886,011" and insert in lieu thereof the figure "961,011".

On Line 13, of Page 15, delete the figure "8,553, 145" and insert in lieu thereof the figure "8,903,145".

On Line 15, of Page 15, delete the figure "3,025,776" and insert in lieu thereof the figure "3,200,776".

On Line 17, of Page 15, delete the figure "512,505", and insert in lieu thereof the figure "562,505".

Further amend the above House Bill, Section 2 C 8, under the column General Fund, appearing on Page 15, Line 23, by deleting the figure "4,978,900" and inserting in lieu thereof the figure "5,628,900".

Further amend the above House Bill, Section 2 C 8, under the column General Fund, appearing on Page 16, Line 25, by deleting the figure "4,978,900" and inserting in lieu thereof the figure "5,628,900".

Further amend the above House Bill, Section 2 C 8, under the column Appropriation Total, appearing on Page 16, Line 25, by deleting the figure "12,997,437" and inserting in lieu thereof the figure "13,627,437".

The above amendments reflect an increase of \$650,000 to be appropriated from the General Fund to the Department of Agriculture and Industries, and, in so far as this amended increase is concerned, is conditional upon the condition of the State General Fund and upon approval of the Governor.

Which was adopted.

Mr. White offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend H. B. 533 by striking on page 51, line 27 the figure 77,518,545 and inserting in lieu therefor the figure 77,418,545

Further amend the bill by adding on page 51, line 30, immediately following Subsection (d) the following:

"(e) For the use of the Alabama Human Resources Board . . 100,000."

Which was adopted.

Mr. Vacca offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Immediately following Section 2, on page 90, insert the following new Section 3 and renumber the remaining sections accordingly:

Section 3. The sum of \$1,968,680.00 or so much thereof as may become available as herein provided, is hereby appropriated from the state general fund in the state treasury to the State Building Commission for use in acquiring land adjacent to the state capitol building for use as additional parking space. The appropriation made herein is conditional upon the condition of the state general fund, as ascertained by the Governor, and shall be released only upon orders of the Governor.

Which was adopted.

Messrs. Little and Higginbotham offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend substitute, as amended, for House Bill No. 533 as substituted Page 42 Lines 20-23, by striking out the figure "66,500" where it appears and inserting in lieu thereof the figure 71,080."

Which was lost.

Mr. Harrison offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend substitute, as amended, for House Bill No. 533 Page 42 Line 26, by striking out after the word "program" the figure "2,003,218" and inserting in lieu thereof the following: 1,950,000.

Also on page 42 line 26 by inserting the following and renumbering subsequent lines :

(b) Fort Toulouse ..... 53,218

Which was lost.

Mr. Harrison then offered the following amendment to the substitute, as amended, for the Bill, H. B. 533 to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend H. B. 533, Section 2 C 29 (a), page 29, line 24, by deleting the figure "2,537,000" and inserting in lieu thereof the following: 2,512,000

Also, in Section 2. C. 29, page 30, line 22, by striking the figure "5,304,873" and inserting in lieu thereof the following: 5,279,873

Also, in Section 2 D, page 89, amend by inserting subsection 59. as follows:

	Appropriation Total
59. South Eastern Association of Minority Manufacturers . . . . .	25,000
Which was lost.	

Mr. Kirkland offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. 533

Amend substitute, as amended, for H. 533 immediately following Section 2 on page 90, by inserting the following new Section 3 and renumbering the remaining sections accordingly:

Section 3. The sum of \$1,700,000, or so much thereof as may become available as herein provided, is hereby appropriated from the general fund in the state treasury, to the use of the state's district attorneys' offices. The appropriation made herein is conditional upon the condition of the state general fund, as ascertained by the Governor, and shall be released only upon the orders of the Governor.

Which was adopted.

Yeas 12; Nays 5.

*Yeas:*

Messrs.:	Harrison	Little	Robertson	
Britnell	Kirkland	McDonald	Teague	
Callahan	Lemaster	Miller	White	
Goodwin				—12

*Nays:* Messrs.: Barron, Figures, Hall, Pearson, Taylor. —5

Mr. Pearson offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. 533

Amend H. B. 533, page 71, by striking all of Section 2, D, 6, and renumbering the remaining subsections. And on page 3, line 17 by striking out "\$50,000" and inserting in lieu thereof the figure: 92,100.

And on line 25, by striking the figure "\$50,000" and inserting in lieu thereof the figure: 92,100.

And on line 26, by striking the figure "\$50,000" and inserting in lieu thereof the figure: 92,100.

Which was adopted.

Mr. Barron offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend substitute, as amended, for House Bill No. 533 Pages 78 to 88, inclusive, by striking out sub-paragraph "E" of Section 2 in its entirety, and renumbering subsequent sub. paragraphs accordingly.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendments to the following House bills:

H. 654. To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

Also:

H. 340. To further amend Section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively), and other conflicting laws.

Also:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; for the purposes of this Act only to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; for purposes of this Act only to provide that the director of finance shall furnish suitable office space for such security police officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security police for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 785. To alter or rearrange the boundary lines of the Town of Branchville, St. Clair County, Alabama, so as to include within the corporate limits of said town all territory now within such corporate limits, and also certain other territory in St. Clair County, Alabama.

Also:

H. 906. Relating to Marion County; to amend Act No. 80-126, H. B. 603, 1980 Regular Session, entitled "An Act Relating to Marion County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations," so as to provide further for said disposal.

Also:

H. 1023. Relating to Macon County; to provide for the total rehabilitation of certain persons, both male and female, convicted of any type crime and sentenced to a term of confinement in the county jail of any such county; and to provide penalties for violations.

Also:

H. 1024. Relating to Macon County; to provide for the clerical assistance to the tax assessor; and to make this act retroactive to October 1, 1979.

Also:

H. 1025. Relating to Macon County; to provide for the clerical assistance to the tax collector; and to make this act retroactive to October 1, 1979.

Also:

H. 1044. To extend, alter and rearrange the boundaries and corporate limits of the City of Sheffield so as to annex certain contiguous territory to the City of Sheffield.

Also:

H. 1051. Relating to Lamar County; to further provide for the compensation and expense allowances of certain members of the county commission.

Also:

H. 1052. Relating to Lamar County; providing for the disposal of property under the control of the county commission; providing that competitive bids must be submitted; providing for the disposition of revenues received from the sale of said property; and providing for penalties for violations.

Also:

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

Also:

H. 1078. Relating to Sumter County; to provide for a \$100 expense allowance in lieu of mileage to be paid monthly to the members of the Sumter County Board of Education.

Also:

H. 1082. Relating to Greene County; providing for an additional allowance for election officials who work at polling places.



Also:

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 1048. To provide an expense allowance for the Circuit Court Register in Winston County.

Also:

H. 1049. Relating to Morgan County; amending further Act No. 520, H. 1154, Regular Session 1965 (Acts 1965, p. 762), relative to establishing a jury commission for the county, so as to provide further for the compensation of said commission.

Also:

H. 1057. Relating to St. Clair County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 1071. Relating to selling and redeeming lands for taxes in Bibb County, Alabama.

Also:

H. 1072. Relating to Bibb County; to provide for the expense allowance of the coroner.

Also:

H. 1090. To exempt the Bullock County Health Services, Inc., from the payment of all county and municipal sales and use taxes.

Also:

H. 1091. To exempt the Bullock County Ambulance Service, Inc., from the payment of all county and municipal sales and use taxes.

Also:

H. 292. To amend Section 9-13-10, Code of Alabama 1975, which relates to the powers of state forestry commission employees, so as to further provide for said powers.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills; the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 340. To further amend section 1 of Act No. 458, H. 1175, Regular Session 1975 (Acts of Alabama 1975, p. 1085), as amended, relating to the election of certain assistant county officials of Jefferson County to serve in the branch offices in the City of Bessemer so as to remove the provisions relative to the deputy sheriff; and to specifically repeal Act No. 607, H. 923 and Act No. 661, H. 990, of the 1978 Regular Session (Acts 1978, pp. 863 and 953, respectively) and other conflicting laws.

Also:

H. 576. To further provide for Capitol security police officers; to provide that the director of public safety shall employ such personnel; to provide for the powers, duties and jurisdiction of such security police officers; to provide for the compensation and benefits for such officers; to transfer all persons presently employed as Capitol security policemen to department of public safety; for the purposes of this Act only to provide that said officers shall be within the merit system; to transfer all materials, equipment, vehicles, and other property of whatsoever nature now used by such officers to the department of public safety; for purposes of this Act only to provide that the director of finance shall furnish suitable office space for such security police officers; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security, for the fiscal year ending September 30, 1980; to make an additional appropriation to the department of public safety, from the appropriations allocated to the finance department for the purpose of Capitol security police for the fiscal year ending September 30, 1981; to amend Section 41-4-180 and to specifically repeal sections 41-4-182, 41-4-183, 41-4-184 and 41-4-185 of the Code of Alabama 1975, so as to remove the Capitol security police from the jurisdiction of the finance director; and to repeal conflicting laws.

Also:

H. 654. To fix the compensation or salary of the treasurer of any county having a population of 600,000 or more according to the last federal census or any subsequent federal census, and to provide for the payment thereof.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

JOHN W. PEMBERTON,  
Clerk.

### FURTHER CONSIDERATION OF H. B. 533

The Senate proceeded to further consideration of the Bill, H. B. 533. The question was on the Barron amendment to the Pearson substitute, as amended.

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 21; Nays 6.

*Yeas:*

Messrs.:	Higginbotham	Mitchem	Smith
Britnell	Keener	Parsons	Taylor
Callahan	Lemaster	Pearson	Teague
deGraffenried	Martin	Proctor	Weeks
Goodwin	McDonald	St. John	White
Gulledge	Miller		

—21

*Nays:*

Messrs.:	Hall	Kirkland	Robertson
Barron	Harrison	Little	

—6

Mr. Barron then offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend substitute, as amended, for H. B. 533 by reducing each appropriation figure contained in Subsections 2.E.1 through 2.E.58 by one half (½) and adding the following proviso to the end of subsection 2.E.:

Provided, however, that before any of the monies appropriated by any provision of subsection 2.E. of this Act may be paid out of the state treasury they must be matched in an equal amount by local funds. The term "local funds" as used in this subsection means any private or public monies not having as their original source a state appropriation.

All county or municipal governing bodies or any agency of a county or municipal government are hereby authorized to use any local funds under their custody and control to match the sums appropriated by this said subsection 2.E.

On motion of Mr. Callahan, said amendment was laid on the table.

Yeas 15; Nays 7.

*Yeas:*

Messrs.:	Higginbotham	Mitchem	Smith
Callahan	Keener	Parsons	Taylor
Goodwin	Martin	Pearson	Weeks
Gulledge	Miller	Proctor	White

—15

*Nays:*

Messrs.:	Hall	Kirkland	Little
Barron	Harrison	Lemaster	St. John

—7

Mr. Kirkland offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 533

Amend substitute, as amended, for H. B. 533 by adding the following proviso to the end of subsection 2E.:

Provided, however, that before any of the monies appropriated by any provision of subsection 2.E. of this Act may be paid out of the state treasury they must be matched in an equal amount by local funds. The term "local funds" as used in this subsection means any private or public monies not having as their original source a state appropriation.

All county or municipal governing bodies or any agency of a county or municipal government are hereby authorized to use any local funds under their custody and control to match the sums appropriated by this said subsection 2.E.

Mr. Pearson moved that said amendment be laid on the table, which motion was lost.

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Yeas 10; Nays 13.

*Yeas:*

Messrs.:	Goodwin	Miller	Vacca	
Bailey	Higginbotham	Mitchem	Weeks	
Britnell	Martin	Pearson		—10

*Nays:*

Messrs.:	Harrison	Proctor	Taylor	
Barron	Kirkland	Robertson	White	
Callahan	Lemaster	St. John		—13
Glass	Little			
Hall				

Mr. Smith moved that further consideration of the amendment be postponed temporarily.

Mr. Kirkland moved that the motion to postpone be laid on the table, which motion was lost.

Yeas 12; Nays 18.

*Yeas:*

Messrs.:	Harrison	Little	Robertson	
Barron	Keener	Parsons	Taylor	
Glass	Kirkland	Proctor	White	
Hall				—12

*Nays:*

Messrs.:	Figures	Martin	St. John	
Bailey	Goodwin	McDonald	Smith	
Callahan	Higginbotham	Miller	Vacca	
deGraffenried	Holmes	Mitchem	Weeks	
Denton	Lemaster	Pearson		—18

Mr. Smith requested and received unanimous consent to withdraw his motion to postpone temporarily the Kirkland amendment.

And said amendment was then lost.

Yeas 9; Nays 19.

*Yeas:*

Messrs.:	Hall	Little	Taylor	
Barron	Harrison	Robertson	White	
Glass	Kirkland			—9

*Nays:*

Messrs.:	Denton	Lemaster	Parsons	
Bailey	Goodwin	Martin	Pearson	
Britnell	Higginbotham	McDonald	St. John	
Callahan	Holmes	Miller	Smith	
deGraffenried	Keener	Mitchem	Weeks	—19

Mr. Miller offered the following amendment to the substitute, as amended, for the Bill, H. B. 533, to-wit:

## AMENDMENT TO SUBSTITUTE

Amend substitute, as amended, for House Bill No. 533 Page 86 after Line 24, by inserting the following:

"In addition to the above appropriation there is hereby appropriated \$7,305 to the Alabama State Steer Show Association to be conditional upon the condition of the General Fund and upon the approval of the Governor."

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 533, was then adopted by the Senate.

Yeas 27; Nays 2.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Britnell	Gulledge	Martin	St. John
Cook	Hall	Miller	Smith
deGraffenried	Higginbotham	Mitchem	Taylor
Denton	Holmes	Parsons	Teague
Figures	Keener	Pearson	Weeks
Glass	Kirkland	Proctor	White

—27

*Nays:* Messrs.: Barron, Harrison.

—2

And said Bill, H. B. 533, as thus amended by the substitute, was read a third time at length and passed.

Yeas 30; Nays 2.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Figures	Kirkland	Pearson	Weeks
Glass	Lemaster	Proctor	White
Goodwin	Little	Robertson	

—30

*Nays:* Messrs.: Barron, Harrison

—2

## BILLS ON THIRD READING RESUMED

The Bill:

S. 592. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and providing for voting requirements for adoption or amendment of any plan, quorums, approval of subdivisions, and the passage of any question before the commission, other than the adoption or amendment of any plan where such alternate structure has been adopted.

was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Gulledge	McDonald	St. John
Callahan	Hall	Miller	Smith
Cook	Holmes	Mitchem	Taylor
deGraffenried	Keener	Parsons	Teague
Denton			

—24

*Nays:* —0

On motion of Mr. Smith, Rule 35 was suspended to allow transmittal to the House of the above Bill.

The Bill:

S. 578. To amend Section 9, Act No. 620, H. 711, Acts of Alabama, Regular Session 1978, so as to provide that the governing body as defined in said Act, may by resolution, add to the court costs in civil and criminal cases in the circuit, district and municipal courts, a fee, not to exceed \$5.00, which would be charged and collected as other court costs in such cases and used by said governing body to provide funds to support the public corporation established by said act.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, S. B. 578, to-wit:

COMMITTEE AMENDMENT TO S. B. 578

On page 2, lines 11 and 12, delete the words "for its use in supporting" and insert in lieu thereof the following words:

to be used only for the support of

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Parsons
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	St. John
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Teague
Cook	Holmes	Mitchem	Vacca
Denton			

—24

*Nays:* —0

And said Bill, S. B. 578, as thus amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John	
Bailey	Harrison	Martin	Smith	
Barron	Higginbotham	McDonald	Taylor	
Cook	Holmes	Miller	Teague	
Denton	Keener	Mitchem	Vacca	
Goodwin	Kirkland	Proctor	White	
Gulledge	Lemaster	Robertson		—26

*Nays:* —0

On motion of Mr. Bailey, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. White, the Rules were suspended and the Bill:

S. 627. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

was taken up.

And said Bill was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John	
Bailey	Hall	Martin	Smith	
Barron	Harrison	McDonald	Taylor	
Britnell	Higginbotham	Miller	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Proctor	Weeks	
deGraffenried	Kirkland	Robertson	White	
Denton	Lemaster			—29

*Nays:* —0

On motion of Mr. White, Rule 35 was suspended to allow transmittal to the House of the above Bill.

Mr. White requested and received unanimous consent to add the names of Messrs. Lemaster, Hall, Harrison, Britnell and Martin as co-sponsors of the above Bill.

On motion of Mr. Cook, the Rules were suspended and the Bill:

S. 403. To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

was taken up.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 403, to-wit:



COMMITTEE SUBSTITUTE FOR S. B. 403

A BILL  
TO BE ENTITLED  
AN ACT

To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel in lieu of an excise tax on such fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. In lieu of an excise tax on liquefied petroleum gas used to propel motor vehicles over the highways of this state, there is hereby levied an annual flat fee on the following vehicles using liquefied petroleum gas as fuel:

- |                                                        |          |
|--------------------------------------------------------|----------|
| (1) passenger automobiles, pickup trucks under one ton | \$75.00  |
| (2) flatbed trucks, vans and trucks one ton or over    | \$85.00  |
| (3) bobtail trucks                                     | \$150.00 |
| (4) tractor/trailer units                              | \$175.00 |

Section 2. Every person owning and/or operating such vehicles shall make application for and obtain an annual decal from the Liquefied Petroleum Gas Board which shall serve as an identification marker that said flat fee has been paid. Each decal issued by the Liquefied Petroleum Gas Board shall not exceed a cost of 5.00. The decal shall be in such form and of such size as the Liquefied Petroleum Gas Board shall prescribe. Such decal shall be attached or affixed to the vehicle in the place and manner prescribed by the Liquefied Petroleum Gas Board. The first decals, provided for in this act shall be issued October 1, 1980, for a term of six months and thereafter the term of the decals shall begin at April 1 of each year and expire on March 31 of the following year. If any passenger automobile or truck is acquired, L.P.G. system installed or vehicle put in operation after September 30 the fee shall be one half the flat fee stated in Section 1.

Section 3. Every person required to make application for and receive a decal under this act shall at the time of making said application remit to the Liquefied Petroleum Gas Board the total amount of the flat fee due plus the cost of the decal issued.

The proceeds of the flat fee shall be paid by the Liquefied Petroleum Gas Board to the Motor Fuel Division of the State of Alabama Revenue Department for deposit to the credit of the Motor Fuel Administrative Expense Account. The proceeds of the decal issuance fee shall be deposited in the State Treasury to the credit of the Liquefied Petroleum Gas Board Fund. Any administration costs relating to such decals shall be paid by the Liquefied Petroleum Gas Board from such fees collected. Said costs are hereby appropriated from the Liquefied Petroleum Gas Board Fund.

Section 4. The Liquefied Petroleum Gas Board is authorized to promulgate any rules and regulations necessary to carry out the provisions of this act.

Section 5. Any person who fails to obtain a current decal within (30) thirty days of the date said decal is required as provided in this act, shall be liable for a penalty of 20% of the fee required at the date decal is purchased in

addition to the fee. Said penalty shall be paid at the same time and in the same manner as the flat fee; and such penalty shall be deposited by the Liquefied Petroleum Gas Board in the State Treasury, to the credit of the Liquefied Petroleum Gas Board Fund.

Section 6. If an out of state vehicle comes to a propane dealer in the state of Alabama to purchase fuel, the dealer must collect in lieu any fees levied by this act an amount equal to the current Alabama Motor Fuel Tax in effect and remit these funds to the Alabama LP-Gas Board before the 20th of the following month after the date of the sale.

Section 7. Any vehicles owned and operated by the state or any incorporated municipality therein shall not be subject to the provisions of this act.

Section 8. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 9. All laws or parts of laws which conflict with this act are to the extent of such conflict, hereby repealed.

Section 10. This act shall become effective October 1, 1980 following its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, for the Bill, S. B. 403, to-wit:

#### COMMITTEE AMENDMENT TO SUBSTITUTE FOR S. B. 403

Amend Senate Finance & Taxation Committee Substitute for Senate Bill 403 on Page 1, Line 23, by inserting after the word "vehicles" and before the word "using", the following:

"which require a motor vehicle license"

Further amend on Page 3, Line 13, by inserting after the word "therein" and before the word "shall", the following:

"or any vehicle not requiring a license plate or motor vehicle license, including but not limited to fork lift trucks and agricultural vehicles".

Which was adopted.

And said substitute, as thus amended, was adopted by the Senate.

Yeas 19; Nays 0.

*Yeas*

Messrs.:	deGraffenried	Harrison	Robertson
Bailey	Denton	Higginbotham	Smith
Barron	Goodwin	Holmes	Taylor
Britnell	Gulledge	Little	Vacca
Cook	Hall	Proctor	Weeks

—19

*Nays:*

—0

And said Bill, S. B. 403, as amended by the substitute, as amended, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

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Yeas 20; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Harrison	Miller
Bailey	Denton	Higginbotham	Proctor
Barron	Goodwin	Holmes	Smith
Britnell	Gulledge	Little	Taylor
Callahan	Hall	McDonald	Vacca
Cook			

—20

*Nays:* —0

On motion of Mr. Cook, the Senate reconsidered the vote by which the Bill, S. B. 403, was passed.

On motion of Mr. Cook, the Senate reconsidered the vote by which the Bill, S. B. 403, was ordered to its third reading.

Mr. Cook then offered the following amendment to the Bill, S. B. 403, as amended, to-wit:

AMENDMENT TO S. B. 403, AS AMENDED

Amend Senate Bill 403, as amended, on Page 2, Lines 18 through 21 by striking out the words "The proceeds of the flat fee shall be paid by the Liquefied Petroleum Gas Board of the Motor Fuel Division of the State of Alabama Revenue Department for deposit to the credit of the Motor Fuel Administrative Expense Account." and inserting beginning on Line 18 the following: "The proceeds of the flat fee shall be deposited by the Liquefied Petroleum Gas Board in the State Treasury to the credit of the Public Road and Bridge Fund."

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Denton	Lemaster	Proctor
Bailey	Goodwin	Little	Robertson
Barron	Hall	Martin	Smith
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried			

—24

*Nays:* —0

And said Bill, S. B. 403, as thus amended, was again read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Cook	Goodwin	Higginbotham
Barron	deGraffenried	Hall	Holmes
Britnell	Denton	Harrison	Keener

Lemaster	Miller	Robertson	Vacca	
Little	Mitchem	Smith	Weeks	
McDonald	Proctor	Taylor		—22
Nays:				—0

On motion of Mr. Cook, Rule 35 was suspended to allow transmittal to the House of the above Bill.

On motion of Mr. Cook, the Rules were suspended and the Bill:

S. 404. To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude distillate or liquefied gas from such definitions.

was taken up.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Starkey and Coburn (with notice and proof):

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1120, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Greer (with notice and proof):

H. 1121. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92, Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk and providing for the retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1121, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 1122. Relating to Walker County; to provide for the City of Sumiton in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

REGULAR SESSION  
28th Day

1701

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1122, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Daniels (with notice and proof):

H. 1123. Relating to Geneva County; to provide further for the salary and expense allowance of the superintendent of education.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1123, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Johnson (R.G.) (with notice and proof):

H. 1128. Relating to Coosa County; providing for an additional allowance for election officials who work at polling places.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1128, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Johnson (R.G.) (with notice and proof):

H. 1129. Relating to Coosa County; providing for the creation of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1129, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Johnson (R.G.) (with notice and proof):

H. 1130. Relating to Coosa County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1130, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1120, 1121, 1122, 1123, 1128, 1129 and 1130—to the Committee on Local Legislation No. 1

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Barton (with notice and proof):

H. 1083. Relating to Tuscaloosa County; authorizing the county governing body and the governing bodies of municipalities in the county to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1083, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Smith (C) (with notice and proof):

H. 1101. Relating to Chilton County; providing for an additional expense allowance for the county treasurer.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1101, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Holley and Ray (with notice and proof):

H. 1103. Relating to Coffee County; providing further for the establishment and composition of the county jury commission and repealing Act No. 571, S. 468, 1953 Regular Session (Acts 1953, p. 813).

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1103, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Reed (with notice and proof):

H. 1104. Relating to Macon County; increasing the salaries of the deputies sheriff and other employees of the sheriff's department.

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28th Day

1703

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1104, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Moore (with notice and proof):

H. 1106. To repeal Act No. 250, H. 874 of the 1975 Regular Session (Acts 1975, p. 783), relating to Shelby County entitled "An Act To prohibit the probate judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise deposing of a computer printout of the list or registered voters of Shelby County."

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1106, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Greer and Starkey (with notice and proof):

H. 1109. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1109, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Bowling (with notice and proof):

H. 1110. Relating to Winston County; to provide further for the compensation of the county jury commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1110, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Daniels:

H. 1113. To repeal Act No. 260, H. 879, approved April 26, 1977, Regular Session 1977 (Acts 1977, p. 346), entitled "An Act Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education".

Also:

By Rep. Greer (with notice and proof):

H. 1114. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, (Acts 1979, p. 129) entitled "An Act Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto," so as to provide further for the duties of said commissioner.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1114, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Naramore (with notice and proof):

H. 1116. Relating to Walker County; amending Sections 5, 6, 7 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p.263) relating to the county civil service system, so as to provide further for the appointment, compensation and duties of the Civil Service Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1116, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 1117. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1117, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Waggoner (with notice and proof):

H. 1118. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1118, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



Also:

By Reps. Edwards and Grouby (with notice and proof):

H. 1119. To provide for the transfer of contributions and creditable service from Clerks and Registers Supernumerary Fund, State of Alabama, for the Clerk of the Circuit Court of Lowndes County, Alabama, should he so elect; to provide that the Clerk of the Circuit Court of Lowndes County, Alabama, if he so elects, may be exempt from the Clerks and Registers Supernumerary Fund, and such service as Clerk may be under the Employees' Retirement System of Alabama.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1119, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1083, 1101, 1103, 1104, 1106, 1109, 1110, 1113, 1114, 1116, 1117, 1118 and 1119. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Amari and Bennett (with notice and proof):

H. 546. To amend further Act No. 929, Section 676, Regular Session 1971 (Acts 1951, Page 1579), as extensively amended by act no. 1272, Section 620, Regular Session 1973 (Acts 1973, Page 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to allow participants therein to purchase credit for certain of their prior unclassified service with the city.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 546, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Boles, Howard, Horn, Lewis, Olive, Waggoner, Moore, Gafford, Trammell, Jackson, Tucker, Harrison, Hilliard, Cheatwood, Amari, Bennett and Payne (with notice and proof):

H. 773. Relating to Jefferson County; providing further for the salary of the tax assessor.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 773, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Dial (with notice and proof):

H. 1102. Relating to Cleburne County; providing further for the compensation of election officials.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1102, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Zoghby (with notice and proof):

H. 685. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 685, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Harper (T) (with notice and proof):

H. 1144. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's Department and counties having populations of not less than 300,000 nor more than 500,000.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1144, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Cabaniss (with notice and proof):

H. 931. To authorize and make provision for the incorporation in any Class 1 municipality as so designated by Act No. 79-263 enacted at the 1979 Regular Session of the Legislature of Alabama (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority, its board

of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling or any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, offstreet parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, planetarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation of activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of Section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of Section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under Section 119 of the Housing and Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as it business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any

such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges of Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 931, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 546, 773 and 931. To the Committee on Local Legislation No. 2.

H. B.'s 1102, 685 and 1144. To the Committee on Local Legislation No. 1.

(The above numbered Bill, H. B. 685, was read a first time at length as required by the Constitution.)

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. Kennedy (with notice and proof):

H. 1105. Relating to Mobile County; providing an election officers' school in each State Senate District.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1105, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

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28th Day

1709

Also:

By Rep. Cobb (with notice and proof):

H. 1115. Relating to Franklin County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1115, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1124. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1124, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1125. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1125, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1126. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1126, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Johnson (R.G.), Shoemaker, Dial and Moore (with notice and proof):

H. 1127. Relating to Talladega County; to provide further for the compensation of election officers.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1127, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 1137. Relating to Covington County; to provide for a clerk to the tax assessor and a clerk to the tax collector; to provide for fixing the salaries of such clerks as the amount specified as the federal minimum wage; and provide for the method of payment of same.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1137, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Hammett (with notice and proof):

H. 1138. Relating to Covington County; to provide that in lieu of the former arrangement of paying both monthly expense allowances, mileage and salary for the Covington County governing body, the monthly remuneration of each member of said county governing body shall instead be a salary of \$900.00 per month, payable out of the county treasury; to provide that Act No. 900, H. 1674 of the 1971 Regular Session (Acts 1971, p. 1663), providing for reimbursement of the members of the county governing body for expenses incurred outside of the county and in attending meetings in the performance of their duties shall not be repealed hereby; to repeal conflicting laws; and to provide for an effective date.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1138, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTIN,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1105, 1115, 1124, 1125, 1126, 1127, 1137 and 1138. To the Committee on Local Legislation No. 1.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

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By Reps. Stout and Rains (with notice and proof):

H. 1132. Relating to DeKalb County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of DeKalb County; and to prohibit the performance of certain work on private property and provide penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1132, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Rains and Stout (with notice and proof):

H. 1133 To provide an expense allowance for the circuit court register in DeKalb County.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1133, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Rains and Stout (with notice and proof):

H. 1134. Relating to DeKalb County to provide disbursement of funds received by DeKalb County paid in lieu of taxes by the Tennessee Valley Authority; to provide for a custodian of such funds; to provide for investment and disbursement of such funds and to provide the method under which such disbursements shall occur.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1134, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Rains and Stout (with notice and proof):

H. 1135. Relating to DeKalb County; to provide further for the powers and duties of the county commission.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1135, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Laird (with notice and proof):

H. 1140. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1140, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Patton and Roberts (with notice and proof):

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1141, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Rep. Owens (with notice and proof):

H. 1143. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1143, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Stout and Rains (with notice and proof):

H. 1131. To empower and direct the County Commission in DeKalb County to create a personnel system to govern all regular, full-time employees of the County Highway Department and such other class or classes of regular, full-time county employees as the County Commission shall determine; to establish the powers and duties of said County Commission in hiring, transferring, compensating, classifying, promoting, demoting, training and establishing rules of general conduct for such County employees; to direct the County Commission to establish a grievance procedure for all regular, full-time employees of the County Highway Department; to empower and direct said County Commission to establish a Personnel Review Board; to provide for the powers, duties, qualifications, and compensation of said Personnel Review Board.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1131, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.



HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committee, as follows:

H. B.'s 1132, 1133, 1134, 1135, 1140, 1141, 1143 and 1131. To the Committee on Local Legislation No. 1.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Barton, Johnson (Roy) and Mitchell (with notice and proof):

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, and 29 of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary". Further, to repeal Section 27 of Act 328, H. 854 (Acts 1959, p. 907, Vol. 2) so as to delete the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1108, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 1108. To the Committee on Local Legislation No. 1.

RESOLUTION

Mr. Kirkland offered the following Senate Joint Resolution, to-wit:

S. J. R. 195. COMMENDING THOSE INDIVIDUALS AND COMPANIES WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC.

WHEREAS, Hurricane Frederic was responsible for causing widespread damage to the forests of southwest Alabama; and

WHEREAS, the timber interests in southwest Alabama were practically devastated monetarily by the winds of Hurricane Frederic; and

WHEREAS, urgent action was needed to provide disaster relief and cleanup operations for this area of Alabama; and

WHEREAS, it was imperative to speed-up and expedite the clearing of roadways and the harvesting and marketing of fallen timber in order to salvage the same from decay; and

WHEREAS, Bobby McCann, Jessie Blackmon, Mack Barrow, Sam Baker, Ray Lowery, James Duncan, Bobby Kent, Rufus Kelsoe, Art Arnold and Jerrald Peavy, as employees of Union Camp Woodlands Division, and Dock Jones and Billy Jones, as employees of Rocky Creek Logging Company and Bob Freese, Gary Gaston, Tim Mixon, Allan Jaye, Jesse Shive, Willie Fairly, Dave Hall, Robert Yelder, Vincent Yelder and Ron True, as employees of Alabama River Woodlands, Inc., and T.R. Miller Mill Company, Inc., through its President, John Richard Miller, provided unselfish and dedicated service above and beyond their regular duties in connection with the disaster relief work done in the aftermath of Hurricane Frederic; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that we do highly commend these individuals and companies for the tireless effort and unselfish dedication in providing disaster relief and cleanup work in the aftermath of Hurricane Frederic resulting in the salvage of damaged timber in southwest Alabama.

BE IT FURTHER RESOLVED, that a copy of this resolution be sent to each of the above persons in recognition of his service and dedication and that he may be aware of our commendation of him.

On motion of Mr. Kirkland, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Manley:

H. 630. To create a Department of Resource Development to consolidate, coordinate and administer environmental programs within the State; to provide that hearing officers within the Department will hear and decide appeals of Department actions and creates a Board of Appeals to review decisions of hearing officers and to hold public hearings.

To create the Division of Surface Mining Control and Reclamation within the Department of Resource Development to administer the State's regulatory program regarding surface coal mining activities in accordance with the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87; to enable the State of Alabama to assume exclusive jurisdiction over the regulation of surface coal mining and reclamation operations in this State; and to make the State eligible for federal funding to develop and implement programs to achieve these purposes.

To establish a state program of abandoned mine land reclamation pursuant to the Federal Surface Mining Control and Reclamation Act. To create the Division of Abandoned Mine Land Reclamation within the Department to administer the State reclamation program; to provide for an annual application procedure to the Secretary of Interior for the continued support of such state program; to implement specific reclamation projects; to provide for

right of entry onto abandoned mine lands; to provide for the acquisition and reclamation of certain land adversely affected by past coal mining practices; to provide that the state shall have a lien on certain restored or reclaimed lands; to create a special fund in the state treasury to implement the provisions of this Act. To repeal all laws or parts of laws which conflict with this Act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 630. To the Committee on Governmental Affairs.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee:

H. 618. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures & seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, negotiable instruments, or any other property in the list of things being subject to forfeiture if used or intended to be used in the sale of receipt of controlled substances.

Also:

By Rep. Turnham:

H. 1004. To amend Section 34-8-22 of the Code of Alabama 1975 relating to the state licensing board for general contractors so as to further provide for the per diem of the members of the board.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B. 618. To the Committee on Judiciary.

H. B. 1004. To the Committee on Finance and Taxation.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Bennett:

H. 741. To amend Section 43-3-10 and 43-3-12 of the Code of Alabama 1975, so as to further provide for the descent and distribution of property of persons dying intestate.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 741. To the Committee on Judiciary.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bennett, Sandusky, Lewis and Riddick:

H. 698. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission of Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 698. To the Committee on Finance and Taxation.

#### FURTHER CONSIDERATION OF S. B. 404

The Senate proceeded to further consideration of the Bill, S. B. 404.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill, S. B. 404, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 404

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude liquefied gas from such definitions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-17-1 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-17-1. As used in this article, the term 'motor fuel' shall include diesel oil, tractor fuel, gas oil, distillate or liquefied gas, kerosene, jet fuel or any substitutes or devices therefor when sold, distributed, stored or withdrawn from storage in this state for use in the operation of any motor vehicle upon the highways of this state."

Section 2. This act shall become effective October 1, 1980 following its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Barron	Gulledge	Martin	St. John
Cook	Harrison	Mitchem	Smith
Denton	Keener	Parsons	Weeks
Glass	Lemaster	Pearson	

—18

*Nays:* —0

And said Bill, S. B. 404, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	Robertson
Bailey	Gulledge	McDonald	St. John
Barron	Hall	Miller	Smith
Callahan	Harrison	Parsons	Taylor
Cook	Holmes	Pearson	Vacca
deGraffenried	Keener	Proctor	Weeks

—23

*Nays:* —0

On motion of Mr. Cook, Rule 35 was suspended to allow transmittal to the House of the above Bill.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 513. Prescribing a certain county salary supplement for each circuit judge in the sixteenth judicial circuit; providing that such supplement shall be in lieu of all other expense allowances and salary supplements heretofore provided by law for such judges and providing that such supplements shall be paid in equal monthly installments from the general fund of the county within said circuit.

Also:

S. 576. Relating to Lowndes County; authorizing the County Commission to levy an additional privilege or license tax on persons, firms and corporations, selling, distributing or delivering malt or brewed beverages to retailers in Lowndes County; providing for the assessment, collection and distribution of the proceeds of the tax; authorizing the adoption and promulgation of rules and regulations therefor by the county commission of said county; defining violations of the act and prescribing penalties therefor.

Also:

S. J. R. 112. CREATING THE LAWRENCE COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. J. R. 180. NAMING THE ALABAMA NATIONAL GUARD ARMORY, NOW UNDER CONSTRUCTION AT ARAB, ALABAMA, IN HONOR OF COLONEL WILBUR B. FOWLER, RETIRED.

Also:

S. J. R. 181. CREATING THE JOINT INTERIM COMMITTEE OF THE LEGISLATURE TO STUDY THE REORGANIZATION OF THE PUBLIC SERVICE COMMISSION.

Also:

S. 309. To amend Sections 16-54-16, 16-54-17 and 16-54-18 of the Code of Alabama 1975 relating to the University of Montevallo so as to provide for the establishment of certain endowment funds dedicated to the use of the university.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. Seibels:

H. 521. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations, for charitable or educational purposes in Jefferson County.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 521. To the Committee on Governmental Affairs.

(The above numbered Bill, H. B. 521, was read a first time at length as required by the Constitution.)

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 744, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 1st Day of May, 1980.

To The House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 744 without my signature and approval and with the following suggested Executive Amendment.

In Section 5, page 1, line 37, place a period (.) following "1979" and delete the remainder of line 37.

On page 2, delete lines 5 through 8 in their entirety.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being; Yeas 67, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 65, Nays 0.

And said Bill, H. 744, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 744, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 744, as thus amended by the Executive amendment, was again read at length and passed.



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Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays: —0

which was a majority of the whole number elected to the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent 1 ½%) upon the purchase price of any automotive vehicle, truck trailer, boat, boat motor, boat trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

was taken up.

On motion of Mr. Callahan, consideration of the Bill, H. B. 293, was postponed temporarily.

The Bill:

H. 492. To provide for an examination fee of three dollars (\$3.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 492, to-wit:

FINANCE & TAXATION COMMITTEE  
AMENDMENT TO H. B. 492

Amend House Bill 492, Page 1, Line 9, by striking out "three dollars (\$3.00)" and inserting in lieu thereof the following:

"ten dollars (\$10.00)"

Further amend on Page 1, Lines 15 and 16 by striking out the words and figure "three dollars (\$3.00)" and inserting in lieu thereof the following:

"ten dollars (\$10.00)"

Further amend on Page 1, Line 23, by striking out the words and figure "three dollars (\$3.00)" and inserting in lieu thereof the following:

"ten dollars (\$10.00)"

and on Page 1, Line 28, strike the figure "\$3.00" and insert in lieu thereof the figure "\$10.00".

On motion of Mr. Robertson, said amendment was laid on the table.

Yeas 18; Nays 9.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Taylor	
Barron	Hall	Lemaster	Teague	
Callahan	Harrison	Martin	Vacca	
Cook	Holmes	Mitchem	Weeks	
deGraffenried	Keener	Robertson		—18

*Nays:*

Messrs.:	Little	Proctor	Smith	
Bailey	Miller	St. John	White	
Denton	Parsons			—9

Mr. McDonald offered the following amendment to the Bill, H. B. 492, to-wit:

#### AMENDMENT TO H. B. 492

Amend H. B. 492 by striking through the words and figure three dollars "\$3.00" wherever it appears and insert in lieu thereof the words and figure five dollars "\$5.00"

Which was adopted.

Yeas 21; Nays 6.

*Yeas:*

Messrs.:	Gulledge	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Keener	Parsons	Vacca	
Callahan	Lemaster	Proctor	Weeks	
DeGraffenried	Little	St. John	White	
Denton	McDonald			—21

*Nays:*

Messrs.:	Goodwin	Holmes	Robertson	
Barron	Harrison	Kirkland		—6

And said Bill, H. B. 492, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 6.

*Yeas:*

Messrs.:	Gulledge	McDonald	St. John	
Britnell	Hall	Miller	Taylor	
Callahan	Kirkland	Mitchem	Vacca	
Cook	Lemaster	Parsons	Weeks	
deGraffenried	Little	Proctor	White	
Denton				—20

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*Nays:*

Messrs.:	Glass	Holmes	Robertson	
Barron	Harrison	Keener		—6

BILL RE-COMMITTED

Mr. Smith moved that the Bill, H. B. 782, be removed from the Calendar and re-committed to the Standing Committee on Governmental Affairs, which motion was adopted.

And the President and Presiding Officer of the Senate ordered said Bill, H. B. 782, re-committed to the Standing Committee on Governmental Affairs.

BILLS ON THIRD READING RESUMED

On motion of Mr. Vacca, the Rules were suspended and the Bill:

S. 331. To amend Act No. 210 of the Regular Session of the Legislature of Alabama 1975 (Alabama Acts 1975, Pages 482 and 483) authorizing the governing body of any county of this state having a population of 600,000 persons or more according to the last or any subsequent Federal census to employ for and in behalf of said county five (5) administrative assistants to the said governing body to serve at the pleasure of the governing body.

was taken up.

And said Bill was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	McDonald	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Little	Proctor	White	
Figures	Martin			—25

*Nays:* —0

On motion of Mr. Vacca, the Rules were suspended and the Bill:

S. 567. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide the conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option; and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

was taken up.

And said Bill was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	McDonald	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Little	Proctor	White	
Figures	Martin			—25

*Nays:*

—0

On motion of Mr. Vacca, the Rules were suspended and the Bill:

S. 568. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

was taken up.

And said Bill was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	McDonald	Smith	
Bailey	Gulledge	Miller	Taylor	
Britnell	Hall	Mitchem	Teague	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Little	Proctor	White	
Figures	Martin			—25

*Nays:*

—0

On motion of Mr. Vacca, Rule 35 was suspended to allow transmittal to the House of the above Senate Local Bills.

The Bill:

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

was read a third time at length and passed.

Yeas 21; Nays 7.

*Yeas:*

Messrs.:	Goodwin	McDonald	St. John	
Britnell	Gulledge	Miller	Smith	
Callahan	Hall	Mitchem	Taylor	
Cook	Kirkland	Parsons	Weeks	
deGraffenried	Little	Proctor	White	
Denton	Martin			—21

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*Nays:*

Messrs.:	Barron	Higginbotham	Keener
Bailey	Harrison	Holmes	Robertson

—7

The Bill:

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

was taken up.

Mr. McDonald offered the following amendment to the Bill, H. B. 697, to-wit:

AMENDMENT TO H. B. 697

Amend House Bill No. 697, Page 1, Line 39, by striking out .50 after the word "of" and inserting in lieu thereof the following:

“.80”

On motion of Mr. Cook, said amendment was laid on the table.

Yeas 26; Nays 3.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Lemaster	Smith
Britnell	Hall	Martin	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	White
Denton	Keener	Robertson	

—26

*Nays:* Messrs.: Little, McDonald and Proctor.

—3

Mr. McDonald then offered the following amendment to the Bill, H. B. 697, to-wit:

AMENDMENT TO H. B. 697

Amend H. B. 697 on page 1, Section 1, line 39 by deleting the word “\$.50” and substituting in lieu thereof the word “\$.165”.

Mr. Cook offered the following substitute amendment for the McDonald amendment to the Bill, H. B. 697, to-wit:

SUBSTITUTE AMENDMENT FOR AMENDMENT H. B. 697

Amend House Bill No. 697, Page 1, Line 39, by striking out the figure “\$.50” after the word “of” and insert in lieu thereof the figure “\$1.35”

Mr. McDonald moved that said substitute amendment be laid on the table, which motion was lost.

Yeas 9; Nays 20.

*Yeas:*

Messrs.:	Little	Miller	Proctor	
Bailey	Martin	Mitchem	Taylor	
Barron	McDonald			—9

*Nays:*

Messrs.:	Glass	Higginbotham	Robertson	
Britnell	Goodwin	Holmes	St. John	
Callahan	Gulledge	Keener	Teague	
Cook	Hall	Lemaster	Vacca	
deGraffenried	Harrison	Parsons	White	
Denton				—20

And said substitute amendment for the McDonald amendment to the Bill, H. B. 697, was then adopted by the Senate.

And said McDonald amendment, as thus amended, was then adopted by the Senate.

Yeas 21; Nays 7.

*Yeas:*

Messrs.:	Glass	Keener	Robertson	
Britnell	Goodwin	Lemaster	St. John	
Callahan	Gulledge	Martin	Teague	
Cook	Hall	Parsons	Vacca	
deGraffenried	Harrison	Pearson	White	
Denton	Holmes			—21

*Nays:*

Messrs.:	Little	Miller	Proctor	
Barron	McDonald	Mitchem	Taylor	
				—7

Mr. McDonald moved that further consideration of the Bill, H. B. 697, as amended, by postponed until the next Legislative Day.

On motion of Mr. Cook, the motion to postpone was laid on the table.

Yeas 22; Nays 6.

*Yeas:*

Messrs.:	Denton	Keener	St. John	
Bailey	Glass	Lemaster	Smith	
Britnell	Goodwin	Little	Teague	
Callahan	Hall	Martin	Vacca	
Cook	Harrison	Parsons	White	
deGraffenried	Holmes	Robertson		—22

*Nays:*

Messrs.:	McDonald	Mitchem	Taylor	
Barron	Miller	Proctor		—6

And said Bill, H. B. 697, as thus amended, was read a third time at length and passed.

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Yeas 19; Nays 13.

*Yeas:*

Messrs.:	Holmes	McDonald	Smith
Bailey	Keener	Miller	Taylor
Cook	Kirkland	Mitchem	Teague
deGraffenried	Little	Proctor	Weeks
Denton	Martin	St. John	White

—19

*Nays:*

Messrs.:	Goodwin	Higginbotham	Robertson
Barron	Gulledge	Lemaster	Vacca
Britnell	Hall	Parsons	
Callahan	Harrison		
Glass			

—13

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 904. To amend Section 32-6-4, Code of Alabama 1975, as amended to increase fee from ten to fifteen dollars for a four-year driver license or identification card.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Owens, Dial, and Pegues.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Pearson, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 533, the title of which is set out in the foregoing Message from the House.

Yeas 26; Nays 1.

*Yeas:*

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Goodwin	Little	St. John	
Barron	Gulledge	Martin	Taylor	
Britnell	Hall	Miller	Teague	
Callahan	Harrison	Mitchem	Vacca	
Cook	Holmes	Parsons	White	
deGraffenried	Keener	Pearson		—26

*Nay:* Mr. Robertson.

—1

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Pearson, St. John and Teague.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:



S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

JOHN W. PEMBERTON,  
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

was again taken up.

The question was on the Goodwin substitute, as amended by the Pearson amendment, which said substitute and amendment are set out in the Journal of the Senate for the Twenty-Seventh Legislative Day.

Mr. Holmes offered the following amendment to the substitute, as amended, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 523

On page 1, strike line 22 in its entirety and the words "general fund" on line 23 and insert in lieu thereof: for the distribution of the proceeds

On page 5 strike the underscored words on lines 22, 23, 24 and 25.

On page 5, after line 21 insert the following: Of the money collected by the levying of the additional one cent (1¢) tax provided by this act; 50% shall be distributed to the state medicaid system and 50% to the state general fund.

On page 5, line 24 after the word "expenses" insert the following: and the distribution stated above

Which was lost.

Yeas 11; Nays 15.

Yeas:

Messrs.:	Hall	Keener	Martin
Bailey	Harrison	Kirkland	Mitchem
Britnell	Holmes	Little	Parsons

—11

Nays:

Messrs.:	Goodwin	Miller	Taylor
Barron	Gulledge	Pearson	Teague
deGraffenried	Higginbotham	St. John	Vacca
Denton	McDonald	Smith	White

—15

Mr. Holmes then offered the following amendment to the substitute, as amended, for the Bill, H. B. 523, to-wit:

AMENDMENT SUBSTITUTE, AS AMENDED, FOR H. 523

On page 1, line 18, after the word "revenue;" insert: to express the legislative intent;

On page 1, insert the following new section 1 and renumber the present section 1 and all following sections accordingly:

Section 1. It is the legislative intent of this act that the money derived by the additional one cent (1¢) tax levied by this act shall be allocated equally to the state medicaid system and to the state mental health system.

which was lost.

Mr. Lemaster offered the following amendment to the substitute, as amended, for the Bill, H. B. 523, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED FOR H. B. 523

Amend substitute, as amended for House Bill No. 523, Page 1, Line 19, by inserting after the word 1975, also chapter 3 of title 28 of the Code of Alabama 1975. Also on page 1, line 21 after the word taxes; 10% additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board Further amend H. B. 523 as sub. on page 2, line 22 after the word herein. There shall also be collected an additional 10% tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board.

Mr. Goodwin moved that said amendment be laid on the table, which motion was lost.

The question was then on the Lemaster amendment to the substitute, as amended, for the Bill, H. B. 523, and said amendment was then lost.

Yeas 13; Nays 14.

*Yeas:*

Messrs.:	Hall	Mitchem	Taylor	
Bailey	Lemaster	Proctor	Weeks	
Barron	Martin	Robertson		—13
Britnell	McDonald			
Denton				

*Nays:*

Messrs.:	Goodwin	Little	Teague	
Cook	Higginbotham	Pearson	Vacca	
deGraffenried	Holmes	St. John	White	
Glass	Keener	Smith		—14

The question was then on the Goodwin substitute, as amended, and said substitute was then lost.

Yeas 9; Nays 22.

*Yeas:*

Messrs.:	Gulledge	St. John	Teague	
Cook	Higginbotham	Taylor	White	
Goodwin	Keener			—9

Nays:

Messrs.:	Glass	Little	Proctor
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	Smith
Callahan	Holmes	Miller	Vacca
deGraffenried	Kirkland	Mitchem	Weeks
Denton	Lemaster	Parsons	

—22

Mr. White offered the following substitute for the Bill, H. B. 523, to-wit:

SUBSTITUTE FOR H. B. 523

A BILL  
TO BE ENTITLED  
AN ACT

To raise revenue; to amend Sections 40-23-2, 40-23-35, 40-23-61 and 40-23-85, Code of Alabama 1975, as amended, which relate to the state sales and use tax, so as to provide for a 12½% increase in such taxes; to provide that the proceeds thereof shall be deposited in the state general fund; and to provide that the provisions of this Act shall be effective July 1, 1980.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-2, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

§ 40-23-2. Tax levied on gross receipts.

There is hereby levied, in addition to all other taxes of everykind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(1) Upon every person, firm or corporation, including the state of Alabama and its alcoholic beverage control board in the sale of alcoholic beverages of all kinds, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institutions, any association or other agency or instrumentality of such institutions, engaged or continuing within this state in business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, not including, however, bonds or other evidences of debts or stocks, nor sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of over 50 tons burden, an amount equal to four and one half percent of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as a retailer, on the gross sales of the business.

(2) Upon every person, firm or corporation engaged or continuing within this state in the business of conducting or operating places of amusement or entertainment; billiard and poolrooms; bowling alleys; amusement devices; musical devices; theaters; opera houses; moving picture shows; vaudeville;

amusement parks; athletic contests, including wrestling matches, prizefights, boxing and wrestling exhibitions, football and baseball games, including athletic contests conducted by or under the auspices of any educational institution within this state, or any athletic association thereof, or other association whether such institution or association be a denominational, a state, county or a municipal institution or association or a state, county or city school, or other institution, association or school; skating rinks; race tracks; golf courses; or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places and public dance halls of every kind and description within the state of Alabama, an amount equal to four and one-half percent of the gross receipts of any such business.

(3) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property an amount equal to one and one-half three-fourths (1.75%) percent of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(4) Upon every person, firm or corporation engaged or continuing within this state in the business of selling at retail any automotive vehicle or truck trailer, semitrailer or house trailer, an amount equal to one and one-half three-fourths (1.75%) percent of the gross proceeds of sale of said automotive vehicle or truck trailer, semitrailer or house trailer; provided, that where a person subject to the tax provided for in this subdivision withdraws from his stock in trade any automotive vehicle or truck trailer, semitrailer or house trailer for use by him or by his employee or agent in operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of \$5.00 per year or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be of such withdrawal and shall run for the 12 succeeding months or part thereof during which such automotive vehicle, truck trailer, semitrailer or house trailer shall remain the property of such person.

Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade or in a series of trades as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(5) Upon every person, firm or corporation engaged or continuing within this state in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefor, there is hereby levied a tax equal to three three and 3/4 (3.75) percent of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subdivision shall be the gross proceeds of sales of such business.

Section 2. Section 40-23-35, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

Section 40-23-35. Disposition of revenues from tax.

Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to part the salaries, the cost of operation and management of said department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. Twenty percent (20%) of the amount remaining after payment of expenses shall be credited to the state general fund. After the payment of the expenses, and the twenty percent (20%) to the state general fund, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by section 40-18-58, for the replacement in the public school fund of the three mill constitutional levy for schools and in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sum as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the bureau of the census; and one half of said proceeds shall be divided or distributed equally among 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the state board of health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the

credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00, then an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the state department of public welfare to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition, there shall be paid on October 1, 1973, and on the first day of each fiscal quarter thereafter, to each county governing body electing to come under the food stamp program as may be authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to four percent of the value of coupons issued in such county in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be a reimbursement to the general fund of such county and shall in no event exceed the cost expended by such county for administration of such program during such prior fiscal quarter. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and the distribution to the counties as herein provided shall be paid into the Alabama special education trust fund. In this division, "general welfare purposes" means:

- (1) The administration of the public assistance as set out in sections 38-2-5 and 38-4-1;
- (2) Services, including supplementation and supplementary services under the Federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said section 38-4-1;
- (3) Services to and on behalf of dependent, neglected or delinquent children; and
- (4) Investigative and referral services to and on behalf of needy persons.

Section 3. Section 40-23-61, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

§ 40-23-61. Property taxed; persons liable.

(a) An excise tax is hereby imposed on the storage, use or other consumption in this state of tangible personal property, not including, however, materials and supplies bought for use in fulfilling a contract for the painting, repairing or reconditioning of vessels, barges, ships and other watercraft of more than 50 tons burden, purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of four five percent of the sales price of such property, except as provided in subsections (b) and (c) of this section.

(b) An excise tax is hereby imposed on the storage, use or other consumption in this state of any machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, purchased at retail on or after October 1, 1965, at the rate of one and one-half three-fourths (1.75%) percent of the sales price of any such machine; provided, that

the term "machine," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefor, which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in this state of any automotive vehicle or truck trailer, semitrailer or house trailer purchased at retail on or after October 1, 1965, for storage, use or other consumption in this state at the rate of one and one-half three-fourths (1.75%) percent of the sales price of such automotive vehicle, truck trailer, semitrailer or house trailer. Where any used automotive vehicle or truck trailer, semitrailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) Every person storing, using or otherwise consuming in this state tangible personal property purchased at retail shall be liable for the tax imposed by this article, and the liability shall not be extinguished until the tax has been paid to this state; provided, that a receipt from a retailer maintaining a place of business in this state or a retailer authorized by the department, under such rules and regulations as it may prescribe, to collect the tax imposed hereby and who shall for the purpose of this article be regarded as a retailer maintaining a place of business in this state, given to the purchaser in accordance with the provisions of section 40-23-67, shall be sufficient to relieve the purchaser from further liability for tax to which such receipt may refer.

(e) An excise tax is hereby imposed on the classes of tangible personal property, and at the rates imposed on such classes, specified in subsections (a), (b) and (c) of this section, on the storage, use or other consumption in the performance of a contract in this state of any such tangible personal property, new or used, the tax to be measured by the sales price of the fair and reasonable market value of such tangible personal property when put into use in this state, whichever is less; provided, that the tax imposed by this subsection shall not apply where the taxes imposed by subsections (a), (b) or (c) of this section apply.

Section 4. Section 40-23-85, Code of Alabama 1975, as amended, is hereby further amended to read as follows:

Section 40-23-85. Disposition of funds derived from tax.

All taxes, fees, interest or penalties imposed and all amounts of tax herein required to be paid to the state under this article must be paid to the department of revenue at Montgomery, Alabama, with remittance payable to the treasurer of Alabama. Such amount of money as shall be appropriated for each fiscal year by the legislature to the department of revenue with which to pay the salaries, the cost of operation and the management of the said department shall be deducted, as a first charge thereon, from the taxes collected under and pursuant to section 40-23-61; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to article 4 of chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. Twenty percent (20%) of the balance of the tax collected under and

pursuant to said section 40-23-61 shall remain in the state treasury to the credit of the state general fund and eighty percent (80%) to the credit of the Alabama special educational trust fund and shall be withdrawn as other moneys in said fund.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective on July 1, 1980.

On motion of Mr. Barron, said substitute was laid on the table.

Yeas 21; Nays 11.

*Yeas:*

Messrs.:	Denton	Lemaster	Parsons	
Bailey	Glass	Little	Proctor	
Barron	Hall	Martin	Robertson	
Britnell	Harrison	Miller	Vacca	
Callahan	Holmes	Mitchem	Weeks	
deGraffenried	Kirkland			—21

*Nays:*

Messrs.:	Gulledge	McDonald	Taylor	
Cook	Higginbotham	St. John	Teague	
Goodwin	Keener	Smith	White	
				—11

On motion of Mr. Barron, further consideration of the Bill, H. B. 523, was postponed temporarily.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bills and ordered same sent forthwith to the Senate without engrossment:

By Reps. Jackson, Boles and Horn (with notice and proof):

H. 1092. To further amend Section 12 of an Act designated as Act No. 248 of the Regular Session of the Legislature of Alabama of 1945, approved July 6, 1945 (General Acts of Alabama of 1945, pages 376-400) as heretofore amended relating to creating and establishing in counties having a population of 400,000 inhabitants of more according to the last or any future federal census, a county-wide civil service system.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1092, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.



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Also:

By Rep. Bennett (with notice and proof):

H. 1085. Relating to Class I municipalities to limit the amount of claims made under municipality insured employee health care expense reimbursement programs in order to protect public monies.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 1085, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

Also:

By Reps. Dial, Johnson (R.G.), Clark (G), Shoemaker, Pegues, Sasser and Grimsley:

H. 1013. To repeal Chapter 31 of Title 34 of the Code of Alabama 1975 (Sections 34-31-1 through 34-31-17, Code of Alabama 1975) which chapter establishes the State Board of Heating, Air Conditioning, Roofing and Sheet Metal Contractors and provides for the regulation of the practice of design, construction or installation of heating and air conditioning equipment and roofing and sheet metal.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bills, the titles of which are set out in the foregoing Message from the House, were severally read one time and referred to appropriate Standing Committees, as follows:

H. B.'s 1092 and 1085. To the Committee on Local Legislation No. 2.

H. B. 1013. To the Committee on Governmental Affairs.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Carothers, Ray, Williams and Grimsley:

H. 682. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying, engineering services and architectural services under the provisions of this lien statute and to remove the limitation on the extent in area to which it applies.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 682. To the Committee on Judiciary.

## BILL RECONSIDERED

The Bill:

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

was again taken up.

The question was on the motion of Mr. Teague (offered on the Twenty-Seventh Legislative Day) that the Senate reconsider the vote by which the Bill, H. B. 84, as amended, was passed.

Mr. Robertson moved that the motion to reconsider be laid on the table, which motion was lost.

Yeas 13; Nays 16.

*Yeas:*

Messrs.:	Hall	Miller	Taylor
Barron	Lemaster	Proctor	Weeks
Britnell	Martin	Robertson	
deGraffenried	McDonald		
Denton			

—13

*Nays:*

Messrs.:	Harrison	Kirkland	St. John
Bailey	Higginbotham	Little	Smith
Callahan	Holmes	Mitchem	Teague
Cook	Keener	Parsons	White
Goodwin			

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The question was again on the motion to reconsider, which was adopted, and the Senate did reconsider said vote.

On motion of Mr. Teague, the Senate reconsidered the vote by which the Bill, H. B. 84, as amended, was ordered to its third reading.

Mr. Teague then offered the following amendment to the Bill, H. B. 84, as amended, to-wit:

## AMENDMENT TO H. 84, AS AMENDED

Amend Section 1, subsection (b) on line 25 by adding after the period the following language:

Whenever a delivery of cigarettes is made to the retailer the cost thereof shall be paid at delivery by the retailer.

Which was lost.

Yeas 7; Nays 19.

*Yeas:*

Messrs.:	Goodwin	Higginbotham	Pearson
Cook	Harrison	Parsons	Teague

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*Nays:*

Messrs.:	Gulledge	Little	Proctor
Barron	Holmes	Martin	Robertson
Britnell	Keener	McDonald	Smith
deGraffenried	Kirkland	Miller	Taylor
Denton	Lemaster	Mitchem	Vacca

—19

And said Bill, H. B. 84, as amended, was again read a third time at length and passed.

Yeas 18; Nays 14.

*Yeas:*

Messrs.:	Kirkland	Mitchem	Smith
Britnell	Lemaster	Parsons	Taylor
deGraffenried	Little	Pearson	Vacca
Denton	McDonald	Proctor	White
Hall	Miller	St. John	

—18

*Nays:*

Messrs.:	Cook	Higginbotham	Robertson
Bailey	Goodwin	Holmes	Teague
Barron	Gulledge	Keener	Weeks
Callahan	Harrison	Martin	

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BILLS ON THIRD READING RESUMED

On motion of Mr. Kirkland, the Rules were suspended and the Bill:

S. 213. To amend further sections 36-32-1 through 36-32-9 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission; and to provide that the legislature shall appropriate funds necessary to carry out the provisions of this act.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, S. B. 213, to-wit:

COMMITTEE SUBSTITUTE FOR S. B. 213

A BILL  
TO BE ENTITLED  
AN ACT

To amend further sections 36-32-1 through 36-32-8 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 36-32-1 through 36-32-8 and section 36-32-11, Code of Alabama 1975, are hereby amended to read as follows:

"§ 36-32-1. For the purpose of this chapter, the following words and phrases shall have the following meanings, respectively, unless the context clearly indicates the contrary:

"(1) Fund. The Alabama fire fighters' personnel standards and education fund provided for in section 36-32-9.

"(2) Commission. The Alabama fire fighters' personnel standards and education commission established by this chapter.

"(3) Fire-Fighting Agency. The agency of each incorporated city or town or any fire district charged with the responsibility of detecting, combating and preventing damage to property and injury and loss of lives by fire. Any agency charged with the responsibility of detecting, combating and preventing damage to property and lives by fires, but excluding Alabama State Forestry Commission.

"(4) FIRE-FIGHTING FIRE PROTECTION PERSONNEL. The paid employees of each such fire fighting agency who are engaged in the primary functions of said agency including fire fighting, training rescue units, and paramedics as well as fire inspection and fire investigation, but excluding, however, purely stenographic, clerical, janitorial, construction or maintenance employees and water, sewer and solid waste disposal employees.

"(4) FIRE PROTECTION PERSONNEL AND FIRE FIGHTER. Any person permanently employed in fire administration, fire prevention, fire suppression, fire education, arson investigation, and emergency medical services, but excluding employees of the Alabama State Forestry Commission.

"(5) STATE. The state of Alabama.

"(5) VOLUNTEER FIRE FIGHTER. Any person who is not employed on a full time basis as fire protection personnel.

"(6) TRAINEE. A recruit fire fighter who has not been certified by the commission as having met the minimum basic training as set forth by section 36-32-7 and by the rules and regulations adopted by the commission.

"(7) SCHOOL. Any school located within the state of Alabama whether privately or publicly owned which offers a course in fire protection training or related subjects and which has been approved by the commission.

"(8) STATE. The state of Alabama.

"§ 36-32-2. The Alabama fire fighters' personnel standards and education commission is hereby created. The commission shall consist of seven members, each of whom must be a qualified elector of the state who is over the age of 18 years. The professional fire fighters association of Alabama shall designate one member of the commission to serve for a term of four years; the Alabama firemans' association shall designate one member to serve for a term of four years; the state fire marshal or his designate designee shall serve as a member; and the governor shall designate four members of the commission. The members appointed by the governor shall each serve for terms of four years; provided, that the members first appointed by the governor shall serve for terms of one, two, three and four years, respectively, as the governor shall designate. The members may adopt bylaws to govern the organization of the commission, its meetings and activities; provided that the bylaws shall not conflict with this chapter.

"§ 36-32-3. The commission shall elect a chairman and a vice chairman from among its members at its first meeting and thereafter at its first meeting following the appointment of a new member. The commission may employ an executive secretary who shall serve at the discretion of the commission. The commission may employ an assistant to assist the executive secretary in coordinating training and investigation pursuant to section 36-32-5. The assistant shall serve at the discretion of the commission. The commission shall set the salaries of the executive secretary and his assistant subject to the state personnel board's salary scale. The executive secretary may employ such clerical assistants as functions and duties may require, subject to the provisions of the state Merit System Act. Members of the commission shall receive \$50.00 per diem for attending meetings of the commission, plus travel expenses as provided for by state travel law, provided funds are available.

"The commission shall elect a chairman and a vice-chairman from among its members at its first meeting and thereafter at its' first meeting following the appointment of a new member. The commission may employ an executive director who shall serve at the discretion of the commission. The commission may employ assistants to assist the executive director as required to coordinate training and to conduct investigations pursuant to section 36-32-5. The assistants shall serve at the discretion of the commission. The commission shall set the salaries of the executive director and assistants subject to the state personnel board's salary scale. The commission may employ such clerical assistants as functions and duties may require, subject to the provisions of the state Merit System Act. Members of the commission shall receive \$50.00 per diem for attending meetings of the commission, plus travel expenses as provided for by state travel law, provided funds are available.

"§ 36-32-4. The commission shall meet in regular session quarterly at a time and place in the state of Alabama to be designated in its bylaws. Special meetings may be called by the chairman, the vice-chairman or any three members by giving notice of the time, place and purpose of such special meeting at least five days before it is to be held, to each member of the commission. Such notice may be waived by all members of the commission, either before or after a special meeting. The commission shall adopt an official seal and the executive secretary director shall be custodian of the seal and shall have authority to affix the seal to agreements and obligations of the commission. A quorum shall be a majority of the commission members. The governor shall summon the commission to its first meeting.

"§ 36-32-5. (a) The commission shall have the following functions and duties together with all powers necessary on convenient for the performance thereof:

"(1) To study, obtain data, statistics and information and make reports concerning the recruitment, selection and training of firefighting fire-protection personnel in the state; to make recommendations for improvement in methods of recruitment, selection and training of such personnel;

"(2) To review from time to time the minimum standard hereinafter described for applicants for and appointees as fire-fighting fire protection personnel;

"(2) To recommend minimum curriculum requirements for schools operated for the specific purpose of training fire fighter recruits or fire protection personnel;

"(3) To consider, hold public hearings on, adopt and promulgate such standards relating to the physical, mental and moral fitness of any applicant for or appointee as a fire-fighter as do not lower the minimum standards provided in section 36-32-7 or as otherwise permitted by section 36-32-7;

"(3) To consider, hold public hearings on, adopt and promulgate such standards relating to trainees as fire protection personnel as set forth by the commission;

"(4) To study, consider, and to make reports from time to time concerning the work and curriculum of, and the courses offered by fire fighting training schools in the state and shall make recommendations for improving such schools, curricula and courses;

"(4) To consult and coordinate with any fire fighting agency, university, college, community college, the Alabama state fire college, or other educational institution concerning the development of fire fighter training schools and programs of courses of instruction, including, but not limited to, education and training in the areas of fire science, fire technology, fire administration, and all allied and supporting fields;

"(5) To encourage the establishment of fire fighting training schools and courses on fire fighting in existing institutions of learning;

"(5) To encourage the establishment of fire-fighting training schools and courses on fire fighting in the educational institutions in the state;

"(6) To gather statistics and data and make reports concerning the activities of the fire fighting agencies in the state and their accomplishments;

"(6) To gather statistics and data and make reports concerning the training of fire protection personnel and their accomplishments;

"(7) To certify fire fighting training and education programs as having attained the minimum required standards suggested by such commission;

"(7) To certify fire-fighting training and education programs as having attained the minimum required standards prescribed by such commission;

"(8) To certify instructors as having qualified as fire department instructors under such conditions as the commission may prescribe;

"(8) To certify fire protection personnel in respect to their competence to perform fire service duties at various defined levels of responsibility as prescribed by such commission;

"(9) To direct research in the field of fire fighting and prevention and to accept gifts and grants for such purposes;

"(10) To recommend curricula for advanced courses and seminars in fire science and fire engineering training in colleges and institutions of higher education;

"(10) To consult with national fire service organizations or agencies concerning the training and certification of fire protection personnel in the state;

"(11) To consider, study and make recommendations concerning methods of improving the organization and operation of fire fighting agencies which in the state and cooperative arrangements and agreements might be effected between such agencies;

"(11) To establish and utilize testing procedures and levels of grading which are consistently uniform with the standard prescribed by such commission;

"(12) To make investigation to determine whether the requirements of this chapter and the rules, regulations and standards of the commission issued pursuant to this chapter are being observed and followed;

"(13) To recommend to the attorney general, the district attorneys and other appropriate officials measures for the enforcement of the requirements of this chapter and the rules, regulations and standards issued by the commission pursuant to this chapter;

"(14) To enter into cooperative agreements with state and local fire-fighting agencies for the effective coordination of fire-fighting work training in the state; and

"(15) To obtain the services and advice of experts in the field of fire-fighting for the purpose of aiding the commission in its studies, consideration, reports and recommendations, and the adoption of standards, rules and regulations;

"(b) The commission may administer tests and certify all levels of fire fighting fire protection personnel qualifying under the provisions of this chapter, provided volunteer fire fighters and paid fire fighters above the recruit level shall be certified at their own discretion;

"(b) To encourage the participation of local fire fighting agencies in the program established by the commission.

"§ To encourage the participation of local fire fighting agencies in the programs established by the commission.

"§ 36-32-6. Regulations proposed by the commission shall, before becoming effective, be distributed to each fire-fighting agency, the professional fire fighters' association of Alabama, the Alabama association of fire chiefs, the Alabama firemen's association, and such other organizations of fire-fighting personnel as may be formed or organized from time to time, such agencies and organizations shall be given a period of at least 45 days to comment upon such regulations before their final adoption by the commission. All bylaws of the commission and its regulations shall be kept current and shall be available to the public at all times.

"§ 36-32-7. (a) The minimum standards provided in this section shall apply to applicants and appointees as fire-fighting fire protection personnel who are not fire fighters in the state on October 7, 1975, and to applicants and appointees who, though fire-fighters on October 7, 1975, cease to be employed as a firefighter for a period in excess of 24 months subsequent to said date before becoming an applicant. Except as provided otherwise herein, no city or town shall employ any such applicant who is not on October 7, 1975, a fire fighter and who continues until the date of his application as a fire fighter unless such person shall have first submitted to the appointing authority an application for such employment verified by affidavit of the applicant, and showing compliance with the following qualifications.

"(1) Age. The applicant shall be not less than 18 nor more than 35 years of age at the time of appointment, provided, that for the purpose of calculating his age under this chapter, the time spent by any applicant on active duty in the Armed Forces of the United States of America, not exceeding four years, shall be subtracted from the actual age of such applicant who has attained the age of 39 years.

"(2) Education. The applicant shall be a graduate of a high school accredited with or approved by the state department of education or shall be the holder of a certificate of high school equivalency issued by general educational development.

"(3) Training. The applicant shall have completed, within 12 months after appointment, 240 hours of formal fire fighting training by a certified instructor in a reorganized training school approved by the commission; provided, that appointees appointed after October 7, 1975, and before the date of approval of such training school by the commission, shall have 12 months after the date of approval of such training school by the commission to complete said training. Failure to complete such training within the prescribed period shall render the appointment null and void.

"(4) Physical Qualifications. The applicant shall be certified by a licensed practicing physician designated as satisfactory by the appointing authority as in good health and physically fit for the performance of his duties as a fire-fighter.

"(5) Character. The applicant shall be a person of good moral character and reputation. His application shall show that he has never been convicted of a felony or misdemeanor involving either force, violence or moral turpitude.

"The foregoing requirements shall not apply to any person who is presently employed as a fire fighter in the state and who since October 7, 1975 has continued to be so employed when he makes application for or is employed as a fire fighter in a different capacity or for a different employer.

"§ 36-32-7. The minimum standards provided in this section shall apply to trainees who are to be employed as fire protection personnel by a public fire-fighting agency. No city or fire-fighting agency who provides fire protection to the public shall permanently employ any trainee as fire protection personnel who has not met the requirements of this section.

"(1) Employment and Qualifications. The trainee shall be certified by a licensed practicing physician designated as in good health and physically fit for the performance of his duties as a fire fighter and shall meet the employment qualifications of the appointing authority.

"(2) Training. (a) Fire Protection Personnel. Prior to permanent employment, or a period not exceeding 12 months after the date of employment, the trainee shall have met the requirements for certification as prescribed by the commission. Training shall be given by an instructor certified by the Alabama Fire Fighters Personnel Standards and Education Commission and the training may be administered within the department in which the applicant seeks to serve, if the department meets the requirements of the Commission for a training center. Upon the completion of training, the Commission shall administer a comprehensive written test to each applicant; and each applicant must pass said test as a condition of completion of such training.

"(b) Volunteer Fire Fighter. A volunteer fire fighter may be certified by the commission as a volunteer fire fighter if the volunteer fire fighter shall have met the training requirements prescribed by the commission. Provided the training is conducted by an Instructor certified by and in facilities approved by the commission. Said training need not be during continuous sessions but may be scheduled at different intervals during a period not exceeding 24 months for a total of 160 hours.



This subsection (b) shall not be construed as to mandate training for volunteer fire fighters, except for purposes of certification.

"§ 36-32-8. Any person who shall appoint any applicant who, to the knowledge of the appointer, fails to meet the qualifications as a fire fighter provided in section 36-32-7 or the standards, rules and regulations issued by the commission under this chapter, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the qualifications as a fire fighter provided in section 36-32-7, or any standard, rule or regulation issued pursuant to this chapter shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding \$1,000.00.

"§ 36-32-8. (a) Any person who shall permanently employ any trainee who, to the knowledge of the employer, fails to meet the minimum standards provided in section 36-32-7 or the standards, rules and regulations issued by the commission under this act, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the minimum standards provided in section 36-32-7, shall be guilty of a misdemeanor and upon conviction shall be subject to a fine not exceeding \$1,000.00.

"(b) Any two or more offenses in violation of subsection (a) of this section may be charged in the same indictment in separate counts for each offense and such offenses shall be tried together with separate sentences being imposed for each offense of which the defendant is found guilty.

"§ 36-32-11. Each fire-fighting agency in the state is hereby authorized to make agreements and arrangements for cooperation and mutual assistance in fire-fighting work training, with the commission and with each other."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Governmental Affairs then reported the following amendment to the substitute, for the Bill, S. B. 213, to-wit:

COMMITTEE AMENDMENT TO SUBSTITUTE  
FOR S. B. 213

Amend Substitute for Senate Bill 213, Section 1, sub-section (3), page 2, line 13 by adding "Fire Districts shall not be mandated by this act, but may participate in the training and certification program at their discretion."

Which was lost.

Yeas 5; Nays 13.

*Yeas:*

Messrs.: Callahan	Cook Hall	Robertson	Taylor	—5
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*Nays:*

Messrs.: deGraffenried Denton Harrison Holmes	Keener Kirkland Little Martin	Parsons Proctor Smith	Weeks White	—13
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The question was then on the substitute for the Bill, S. B. 213, which was adopted.

Yeas 23; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons	
Bailey	Harrison	Little	Proctor	
Cook	Higginbotham	Martin	Robertson	
deGraffenried	Holmes	McDonald	Smith	
Denton	Keener	Miller	Taylor	
Goodwin	Kirkland	Mitchem	Weeks	
				—23

*Nay:* Mr. Hall. —1

And said Bill, S. B. 213, as thus amended by the substitute, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

Yeas 24; Nays 1.

*Yeas:*

Messrs.:	Harrison	Little	Proctor	
Callahan	Higginbotham	Martin	Robertson	
Cook	Holmes	McDonald	Smith	
deGraffenried	Keener	Miller	Taylor	
Denton	Kirkland	Mitchem	Weeks	
Goodwin	Lemaster	Parsons	White	
Gulledge				—24

*Nay:* Mr. Hall. —1

On motion of Mr. Kirkland, Rule 35 was suspended to allow transmittal to the House of the above Bill.

#### FURTHER CONSIDERATION OF H. B. 523

The Senate proceeded to further consideration of the Bill, H. B. 523.

Mr. Callahan offered the following amendment to the Bill, H. B. 523, to-wit:

#### AMENDMENT TO H. B. 523

Amend House Bill No. 523, Page 2, Line 17, by striking out the words "general fund" at the end of said line 17 and inserting in lieu thereof the following: Medical Services Administrators to be distributed to Wet counties only as additional funding for medical participation nursing homes and hospitals.

On motion of Mr. Barron, said amendment was laid on the table.

Yeas 18; Nays 8.

*Yeas:*

Messrs.:	Denton	Lemaster	Mitchem	
Bailey	Hall	Little	St. John	
Barron	Harrison	Martin	Taylor	
Britnell	Holmes	McDonald	Vacca	
Cook	Keener	Miller		—18

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*Nays:*

Messrs.:	Goodwin	Parsons	Weeks
Callahan	Higginbotham	Pearson	White
deGraffenried			

—8

Mr. Callahan then offered the following amendment to the Bill, H. B. 523, to-wit:

AMENDMENT TO H. B. 523

Amend House Bill No. 523, Page 2, Line 5, by striking out after the word "the" the word "selling" and inserting thereof the word "wholesale"

On motion of Mr. Barron, said amendment was laid on the table.

Mr. Callahan then offered the following amendment to the Bill, H. B. 523, to-wit:

AMENDMENT TO H. B. 523

Amend House Bill No. 523, Page 2, Line 5, by striking out the words and figures "ten percent (10%)" and inserting in lieu thereof the words and figures "five percent (5%)".

On motion of Mr. Barron, said amendment was laid on the table.

And said Bill, H. B. 523, was read a third time at length and passed.

Yeas 19; Nays 9.

*Yeas:*

Messrs.:	Denton	Lemaster	Mitchem
Bailey	Goodwin	Little	Parsons
Barron	Hall	Martin	Proctor
Britnell	Keener	McDonald	Taylor
deGraffenried	Kirkland	Miller	White

—19

*Nays:*

Messrs.:	Harrison	St. John	Teague
Callahan	Holmes	Smith	Weeks
Cook	Robertson		

—9

FURTHER CONSIDERATION OF H. B. 293

The Senate proceeded to further consideration of the Bill, H. B. 293.

And said Bill, H. B. 293, was read a third time at length and passed.

Yeas 17; Nays 11.

*Yeas:*

Messrs.:	Lemaster	Parsons	Smith
Callahan	Little	Pearson	Taylor
Cook	McDonald	Proctor	Teague
deGraffenried	Miller	St. John	Vacca
Denton	Mitchem		

—17

*Nays:*

Messrs.:	Goodwin	Higginbotham	Kirkland
Bailey	Hall	Holmes	Robertson
Barron	Harrison	Keener	Weeks

—11

## BILLS ON THIRD READING RESUMED

The Bill:

H. 440. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 440, to-wit:

## COMMITTEE AMENDMENT TO H. B. 440

Amend House Bill 440 by deleting Sasser Amendment No. 1.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Harrison	McDonald	St. John
Bailey	Higginbotham	Miller	Smith
Barron	Holmes	Mitchem	Taylor
Callahan	Keener	Parsons	Teague
Cook	Kirkland	Pearson	Vacca
Denton	Lemaster	Proctor	White
Hall	Little	Robertson	

—26

*Nays:*

—0

Mr. Pearson offered the following amendment to the Bill, H. B. 440, as amended, to-wit:

## AMENDMENT TO H. B. 440

Amend House Bill No. 440, Page 20, Line 26, by striking out subsection (f) and inserting in lieu thereof a new subsection (f) to read as follows:

"(f)" Lounge retail liquor license, license fee of as determined by the following schedule on seating capacity: 1-25 seats, \$300.00; 26-70 seats, \$400.00; 71-100 seats, \$500.00; 101-200 seats, \$700.00; 201-350 seats \$1,000.00; over 350 seats, \$1,500.00, with lounge seating capacity to be determined annually by the ABC Board."

Which was adopted.

Yeas 12; Nays 11.

*Yeas:*

Messrs.:	Keener	Pearson	Vacca	
Bailey	Miller	Smith	Weeks	
Higginbotham	Parsons	Taylor	White	
Holmes				—12

*Nays:*

Messrs.:	Cook	Hall	Martin	
Barron	Denton	Lemaster	Robertson	
Callahan	Goodwin	Little	Teague	
				—11

Mr. Pearson then offered the following amendment to the Bill, H. B. 440, as amended, to-wit:

AMENDMENT TO H. B. 440, AS AMENDED

Amend House Bill No. 440, Page 20, by striking out subsection (G) and inserting in lieu thereof a new subsection (G) to read as follows:

(g) Restaurants liquor license fee shall be as determined by the following schedule on seating capacity: 1-25 seats, \$400.00; 26-70 seats, \$700.00; 71-200 seats, \$1,200.00; over 200 seats \$1,500.00 with seating capacity to be determined annually by the ABC Board.

On motion of Mr. Cook, further consideration of the Bill, H. B. 440, as amended, and pending amendment was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 523. To raise revenue; to levy an additional tax on the sale of spirituous or vinous liquors sold by the Alabama Alcoholic Beverage Control Board, the said tax to be measured by the selling price of such liquors, exclusive of taxes heretofore levied with respect thereto; to provide that the said selling price shall not be reduced for the purpose of absorbing the tax herein levied but that said tax shall be passed on to the purchaser; and to provide for disposition and use of the proceeds from said tax.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 293. To further amend Section 2, Act No. 100, Second Special Session 1959, as amended, (Section 40-23-2, Code of Alabama 1975 as amended) in order to impose a sales tax of one and one-half percent (1½%) upon the purchase price of any automotive vehicle, truck trailer, boat, boat motor, boat trailer, semitrailer or house trailer; to require that the tax imposed be paid by the purchaser to the Judge of Probate of the County in which the vehicle is to be licensed; and to require the Judge of Probate to remit the tax collected to the Department of Revenue.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

The President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

JOHN W. PEMBERTON,  
Clerk.

## BILLS ON THIRD READING RESUMED

The Bill:

H. 665. To provide revenue by levying a privilege tax on cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

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was taken up.

Mr. Parsons offered the following amendment to the Bill, H. B. 665, to-wit:

AMENDMENT TO H. B. 665

Amend H. B. 665 as follows:

On page one in lines 5 and 36 delete "50¢" and insert in lieu thereof: 10¢

Which was adopted.

Yeas 25; Nays 3.

*Yeas:*

Messrs.:	Hall	Martin	Proctor
Barron	Harrison	McDonald	Robertson
Britnell	Higginbotham	Miller	Smith
Cook	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Vacca
Goodwin	Lemaster	Pearson	White
Gulledge	Little		

—25

*Nays:* Messrs.: deGraffenried, Teague and Weeks. —3

And said Bill, H. B. 665, as thus amended, was read a third time at length and lost.

Yeas 8; Nays 17.

*Yeas:*

Messrs.:	Hall	McDonald	Parsons
Callahan	Martin	Miller	Teague
Cook			

—8

*Nays:*

Messrs.:	Harrison	Lemaster	Smith
Bailey	Higginbotham	Little	Taylor
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Proctor	White
Goodwin	Kirkland		

—17

FURTHER CONSIDERATION OF H. B. 440

The Senate proceeded to further consideration of the Bill, H. B. 440, as amended. The question was on the amendment No. 2 offered by Mr. Pearson.

On motion of Mr. Cook, said amendment was laid on the table.

On motion of Mr. Pearson, the Senate reconsidered the vote by which his first amendment to the Bill, H. B. 440, as amended, was adopted.

And on motion of Mr. Pearson, said amendment was laid on the table.

Mr. Pearson then offered the following amendment to the Bill, H. B. 440, as amended, to-wit:

AMENDMENT TO H. B. 440, AS AMENDED

Amend House Bill No. 440, Page 20, Line 26, by striking out the figures 1500 and insert in lieu thereof the figures 300.00 and line 27 strike out the figure 200.00 and insert in lieu thereof the figure 300.00

Which was adopted.

Yeas 17; Nays 3.

*Yeas:*

Messrs.:	Goodwin	Miller	Smith	
Bailey	Holmes	Parsons	Taylor	
Callahan	Keener	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
deGraffenried	Martin			—17

*Nays:* Messrs.: Barron, Hall and Harrison. —3

Mr. Bailey offered the following amendment to the Bill, H. B. 440, as amended, to-wit:

#### AMENDMENT TO H. B. 440, AS AMENDED

Amend House Bill No. 440, Page 10, Line 25, by inserting new paragraph after the word "licenses" any lounge operating in conjunction and under the same roof with a restaurant shall be required to be licensed under the provisions of this statute as a restaurant only.

On motion of Mr. Cook, said amendment was laid on the table.

Mr. Barron offered the following amendment to the Bill, H. B. 440, as amended, to-wit:

#### AMENDMENT TO H. B. 440, AS AMENDED

Amend House Bill 440, as amended, page 14, line 6, after "as authorized by the board" by adding the following:

"except a liquor wholesale licensee may not sell liquor or fortified wine to retail licensees of the board."

Which was adopted.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Barron	Hall	Miller	Vacca	
Callahan	Harrison	Mitchem	Weeks	
Cook	Holmes	Pearson	White	
deGraffenried	Keener	Proctor		—22

*Nay:* —0

Mr. Robertson moved that further consideration of the Bill, H. B. 440, as amended, be postponed temporarily.

On motion of Mr. Cook, the motion to postpone was laid on the table.

Mr. Barron then offered the following amendment to the Bill, H. B. 440, as amended, to-wit:



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AMENDMENT TO H. B. 440, AS AMENDED

Amend House Bill 440 by inserting on page 31, line 19 after the word "on" the following:

"or off".

Further amend House Bill 440 by inserting on page 31, line 26 after the word "on" the following:

"or off".

Which was adopted.

Yeas 14; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Pearson	
Barron	Hall	Little	Vacca	
deGraffenried	Harrison	Martin	Weeks	
Denton	Holmes	Mitchem		—14

*Nays:* —0

And said Bill, H. B. 440, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 7.

*Yeas:*

Messrs.:	Keener	Miller	Taylor	
Cook	Kirkland	Mitchem	Teague	
deGraffenried	Lemaster	Parsons	Vacca	
Denton	Martin	St. John	Weeks	
Goodwin	McDonald	Smith	White	
Gulledge				—20

*Nays:*

Messrs.:	Barron	Harrison	Little	
Bailey	Hall	Holmes	Robertson	
				—7

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 48. To amend Section 41-16-50 of the Code of Alabama 1975, relating to awarding certain public contracts involving \$2,000 or more, so as to eliminate certain circumstances under which the contract may be awarded to other than the lowest bidder.

Also:

S. 318. To establish the Alabama Human Resources Board to utilize all available manpower in the state; to provide for the membership of the board, to authorize the board to assign employable persons who receive public

assistance to public works projects; to authorize the Commissioner of Pensions and Security to submit names of said persons; to establish the compensation of said persons; to provide for penalties for failure to do the assigned work; to establish criteria for those exempt from the program and provide for periodic review by the Department of Pensions and Security.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles to which are set out in the foregoing report from the Committee on Rules.

### MOTION TO ADJOURN LOST

At 11:35 P.M., Mr. Bailey moved that the Senate adjourn until Thursday, May 8, 1980, at 10 o'clock A.M., which motion was lost.

Yeas 3; Nays 20.

Yeas: Messrs.: Bailey, Hall and Little.

—3

Nays:

Messrs.:	Harrison	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Cook	Keener	Parsons	Vacca
deGraffenried	Kirkland	Pearson	Weeks
Goodwin	Martin	St. John	White
Gulledge			

—20

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 107. To establish the "Alabama Correctional Incentive Time Act"; to provide for earned deductions from penitentiary and hard labor sentences and to establish certain criteria therefor; to create classifications for measurement of such deductions and eligibility therefor; to require minimum sentences prior to parole eligibility; to authorize the commissioner of the department of corrections to restore certain portions of such deductions lost; to authorize the commissioner to issue, promulgate and implement such rules and regulations necessary to implement the provisions of this act; to specifically repeal Sections 14-9-1, 14-9-2, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25 of the Code of Alabama 1975, and all laws or parts of laws conflicting with this act; to make certain exemptions from the provisions of this act for those persons presently serving as inmates in the penitentiary or at hard labor and for those who are convicted for crimes committed prior to the effective date of this act, so as to provide that such prisoners shall earn deductions from sentences as presently provided by law; and to provide habitual offenders shall not be eligible for any deductions from sentences.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Rep. McKee:

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, Lespedeza bicolor and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 170. To the Committee on Finance and Taxation.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Harper (T):

H. J. R. 280. PROVIDING AROUND THE CLOCK POLICE PROTECTION FOR REPRESENTATIVE TOMMY SANDUSKY

WHEREAS, the chairman of the Mobile County Delegation, the Honorable Representative, Tommy Sandusky, has created a tremendous stir on Alabama's college campuses as a result of his Iranian Student resolution; and

WHEREAS, there are several hundred unpredictable, irrational and volatile Iranian nationals attending state supported post secondary educational institutions in the State of Alabama; and

WHEREAS, Representative Sandusky has placed himself in immanent danger of being the prime target of an Iranian terrorist activity; and

WHEREAS, Representative Sandusky is an extremely patriotic and proud American who holds the best interests of the United States close to his heart; and

WHEREAS, the State of Alabama has the responsibility of protecting the security of its patriotic public officials who's lives are in immanent danger; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the State of Alabama provide around the clock police protection for the Honorable Representative Tommy Sandusky.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

The Resolution, H. J. R. 280, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

#### BILL RECONSIDERED

On motion of Mr. Proctor, the Senate reconsidered the vote by which the Bill, H. B. 665, as amended, was lost.

And said Bill, H. B. 665, was again read a third time at length and passed.

Yeas 15; Nays 9.

*Yeas:*

Messrs.:	Denton	Miller	Smith
Bailey	Goodwin	Mitchem	Taylor
Callahan	Hall	Parsons	Vacca
Cook	McDonald	Proctor	White

—15

*Nays:*

Messrs.:	Harrison	Lemaster	Robertson
Barron	Holmes	Martin	Weeks
deGraffenried	Kirkland		

—9

#### BILLS ON THIRD READING RESUMED

On motion of Mr. Callahan, the Rules were suspended and the Bill:

S. 364. To amend Sections 8-15-3 and 8-15-8, Code of Alabama 1975, which provide for the issuance of fees and insurance for public warehouses, so as to provide further for said fees and insurance.

was taken up out of order.

And said Bill, S. B. 364, was read a third time at length and passed, and ordered sent forthwith to the House without engrossment.

REGULAR SESSION  
28th Day

1757

Yeas 19; Nays 4.

*Yeas:*

Messrs.:	deGraffenried	Martin	Smith
Bailey	Denton	McDonald	Taylor
Britnell	Goodwin	Miller	Vacca
Callahan	Gulledge	Mitchem	Weeks
Cook	Little	Proctor	White

—19

*Nays:* Messrs.: Barron, Harrison, Holmes and Lemaster. —4

On motion of Mr. Callahan, Rule 35 was suspended to allow transmittal to the House of the above Bill.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

And request a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Adams (H), Gregg and Naramore.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. McDonald, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 697, the title of which is set out in the foregoing Message from the House.

Yeas 20; Nays 3.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Holmes	Mitchem	Taylor
deGraffenried	Lemaster	Proctor	Vacca
Denton			

—20

*Nays:* Messrs.: Callahan, Harrison and Weeks. —3

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Cook, McDonald and Denton.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and passed the following House Bill and ordered same sent forthwith to the Senate without engrossment:

By Reps. Bennett and Amari (with notice and proof):

H. 901. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1576, et seq.); and to provide that the amendments made by this Act to said Act No. 556 shall apply both prospectively and retroactively on and after May 2, 1978.

I hereby certify that the Notice & Proof is attached to the Bill, H. B. 901, as required in the General Acts of Alabama, 1975 Act No. 919.

JOHN W. PEMBERTON,  
Clerk.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

The House Bill, the title of which is set out in the foregoing Message from the House, was read one time and referred to appropriate Standing Committee, as follows:

H. B. 901. To the Committee on Local Legislation No. 2.

## CALENDAR BILLS INDEFINITELY POSTPONED

On motion of Mr. McDonald, consideration of all Senate Bills remaining on the Calendar was indefinitely postponed.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 394

S. B. 395

S. B. 396

S. J. R. 41

S. J. R. 158

S. J. R. 167

S. J. R. 177

Delivered to the Governor May 1, 1980, at 2:30 P.M.

S. B. 129

S. B. 511

S. B. 564

S. J. R. 175

S. B. 466

Delivered to the Governor May 6, 1980, at 4:00 P.M.

S. B. 513

S. B. 576

S. J. R. 112

S. J. R. 180

S. J. R. 181

S. B. 309

Delivered to the Governor May 6, 1980, at 8:35 P.M.

S. B. 48

S. B. 318

Delivered to the Governor May 6, 1980, at 11:59 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### ADJOURNMENT

At 12 o'clock Midnight, on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned until Thursday, May 8, 1980, at 12 o'clock Noon.

## TWENTY-NINTH LEGISLATIVE DAY

THURSDAY, MAY 8, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Tim Floyd, Associate Pastor, Heritage Baptist Church, Montgomery, Alabama.

## ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

—35

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

REPORT OF COMMITTEE  
ON RULES ON  
REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journal of the Senate for the Twenty-Eighth Legislative Day and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

## COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journal of the Senate for the Twenty-Eighth Legislative Day was approved by the Senate.



MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Troy State University Board of Trustees.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

Done this 8th day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Dr. Harold R. Collins, Mobile, Alabama (replaced J.W. Jordan) Term expiring October 24, 1991

Mr. Tine Davis, Montgomery, Alabama (replaced McDowell Lee) Term expiring October 24, 1991

Senator John A. Teague, Childersburg, Alabama (replaced Mrs. Alice Moseley) Term expiring October 24, 1991

as members of the Troy State University Board of Trustees.

Respectfully,

FOB JAMES,  
Governor.

Done this 8th day of May, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to appointments to the Troy State University Board of Trustees, was read and referred to the Standing Committee on Rules.

RESOLUTIONS

Mr. Harrison offered the following Senate Joint Resolution, to-wit:

S. J. R. 196. CONGRATULATING WETUMPKA HIGH SCHOOL, STATE 3A BASKETBALL CHAMPIONS.

WHEREAS, for the second consecutive year, the Wetumpka High School Indians have claimed the Class 3A State Basketball Championship, with this year's crown the result of the Indians 74-66 victory over the Leeds Green Wave in the title match in Tuscaloosa, Alabama; and

WHEREAS, 22-4 going into post season play, Wetumpka High was 28-4 over all, averaging 74.6 points per game to their opponents 56.9; and

WHEREAS, the Indians' back-to-back Championships were both achieved under Head Coach Stokely Bazemore who has now relinquished his position as basketball coach in order to assume other athletic and administrative duties; and

WHEREAS, Wetumpka tribe members are James Buycks, Alonza Cook, Tony Cox, Charlie Crenshaw, Martin Crenshaw, Lewis Jackson, Steve Slaughter, Greg Terrell, Lewis Washington and Danny Williams, and Coach Bazemore was ably assisted by Coach Charles Johnson; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Coach Bazemore, his entire staff and his 3A State Championship tribe on their second straight Basketball Title.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for appropriate school display with a copy also sent to Coach Bazemore, on behalf of the team, in token of our warm praise and high regard.

On motion of Mr. Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs.: Harrison, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gullledge, Hall, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 197. MOURNING THE DEATH OF A. DEAN BLACKWELL, JR., OF MONTGOMERY, ALABAMA.

WHEREAS, the Legislature of Alabama has been deeply saddened by the death of A. Dean Blackwell, Jr., of Montgomery, Alabama, on May 3, 1980, at the early age of just 29 years; and

WHEREAS, born in Wiesbaden, Germany, Dean Blackwell was a lifelong resident of Montgomery and was educated in the public schools of that city, graduating from Jefferson Davis High School with the Class of 1969; he also was a graduate of Auburn University where he was a member of Delta Sigma Phi fraternity; and

WHEREAS, evidencing his early achievement, Dean Blackwell was named among the "Outstanding Young Men in America" for the past two years; also, attesting to his competency in business affairs, he qualified for the President's Council, 1978-79, and for the President's Round Table, 1979-80, both indicative of outstanding achievement in the insurance industry; and

WHEREAS, a member of the board of directors of the Montgomery Jaycees, he also was a past vice president of that service organization and was a member of the Frazer Memorial United Methodist Church; and

WHEREAS, Dean Blackwell was indeed consequential in his life of service to others and his loss is deeply felt by all those whose lives he touched and who, even in grief, give thanks for his having lived; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we grievously mourn the death of A. Dean Blackwell, Jr., and extend our most heartfelt sympathy to all his family.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to his wife, Rebecca Dodson Blackwell, and their children, Amy and Buddy; to his parents, Mr. and Mrs. Arnold D. Blackwell, Sr.; to his sisters, Mrs. Dorothy Shinaberger and Miss Willa Blackwell; to his parents-in-law, Mr. and Mrs. Hal M. Dodson, Jr., and Mr. and Mrs. Arthur Crowe; and other family members that they may know we deeply share the sorrow of their great loss.

On motion of Mr. Harrison, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 492. To provide for an examination fee of five dollars (\$5.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 665. To provide revenue by levying a privilege tax on cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Lewis, Howard and Reed.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Parsons, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 665, the title of which is set out in the foregoing Message from the House.

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Gulledge	McDonald	St. John
Bailey	Hall	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Britnell	Keener	Parsons	Vacca
Denton	Little	Robertson	White

—19

*Nay:* Mr. Harrison.

—1

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Parsons, Keener and Hall.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 182. COMMENDING DECA OF ENTERPRISE HIGH SCHOOL, ALABAMA CHAPTER OF THE YEAR.

Also:

S. J. R. 183. COMMENDING MAYOR L. FRANK SAWYER FOR MERITORIOUS SERVICE TO THE CITY OF NEW BROCKTON.

Also:

S. J. R. 184. MOURNING THE DEATH OF MR. WILLIAM MARVIN LEWIS, JR., OF COTTONWOOD, HOUSTON COUNTY, ALABAMA.

Also:

S. J. R. 185. WISHING COACH RALPH "SHUG" JORDAN ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

Also:

S. J. R. 189. COMMENDING THE AUBURN UNIVERSITY SOIL JUDGING TEAM FOR AN UNPRECEDENTED THIRD NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 195. COMMENDING THOSE INDIVIDUALS AND COMPANIES WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Holmes, Jackson, and Dial.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Teague, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 84, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 2.

*Yeas:*

Messrs.:	Denton	Lemaster	St. John
Bailey	Gulledge	Little	Taylor
Barron	Hall	Miller	Teague
Britnell	Higginbotham	Mitchem	Vacca
Callahan	Holmes	Parsons	White
Cook	Keener		

—21

*Nays:* Messrs.: Harrison and Robertson.

—2

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. White, Pearson and Britnell.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 433. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the person to receive the tax notice.

Also:

S. 486. Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain forms be made available in the office of the judge of probate for the use of all persons and parties in interest; and repealing any law in conflict with the provisions of this Act.

Also:

S. 502. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide for retroactive effect.

Also:

S. 503. Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

JOHN W. PEMBERTON,  
Clerk.

### RESOLUTION

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 198. COMMENDING WSFA-TELEVISION IN MONTGOMERY AND MR. DIXON LOVVORN.

WHEREAS, television station WSFA, Channel 12 in Montgomery, Alabama, has for more than 25 years provided the ultimate in television programming to the people of Montgomery, Central and South Alabama; and

WHEREAS, WSFA-Television, during this quarter century period, has established and maintained a news staff of the highest professional calibre, covering the activities of the Alabama Legislature and the State Capitol with fairness, intensity, dedication, and journalistic integrity; and

WHEREAS, WSFA-Television, for the past two years, has been directed by vice president and general manager, Dixon Lovvorn, one of the most professional and distinguished broadcasters in America; and

WHEREAS, the aforementioned Mr. Dixon Lovvorn has recently been promoted to the position of vice president and general manager of Cosmos Broadcasting Corporation's flagship station, WDSU-Channel 6, New Orleans, Louisiana; and

WHEREAS, this promotion further and strongly underscores recognition of Mr. Lovvorn's superior ability and extraordinary flair for excellence in his field; and

WHEREAS, Mr. Lovvorn's successor as vice president and general manager of WSFA-TV is Mr. Charles (Chuck) Whitehurst, who brings to Montgomery a truly impressive background in television news and management; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby most heartily commend Mr. Dixon Lovvorn for his outstanding accomplishments with WSFA-Television in Montgomery; we further congratulate him on his recent promotion and concurrently welcome Mr. Whitehurst to Alabama's capital city.

BE IT FURTHER RESOLVED, That a copy of this resolution, evidencing our regard, be sent to Mr. Lovvorn with a copy also provided for WSFA-Television and for Mr. Charles Whitehurst, vice president and general manager.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 440. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTIONS

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 199. CONGRATULATING MR. AND MRS. JAKE B. PURVIS ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

WHEREAS, the Legislature of Alabama has noted with extreme pleasure the 50th Wedding Anniversary, on June 5, 1980, of Mr. and Mrs. Jake B. Purvis of Geneva, Alabama; and

WHEREAS, Jake B. Purvis, a native of Geneva, and Merle Wallace of Clio, were joined in holy matrimony in Clayton, Alabama, on June 5, 1930, and have remained in said holy state for one-half century; and

WHEREAS, they have lived their lives as one, devoted to one another, and have remained steadfastly faithful to their marriage vows, setting an enviable example for others to follow; and

WHEREAS, Mr. and Mrs. Purvis are the parents of two sons, Jake Wallace and Edwin Jackson Purvis, and a daughter, Rachel Merle Purvis Shipp; they also have eleven fine grandchildren and a beautiful little great granddaughter; and

WHEREAS, Mr. Purvis, a former Geneva City Councilman and Mayor, currently is executive vice president of the Citizens bank of Geneva, and Mrs. Purvis is a retired educator; they both have long been active in civic affairs, prominently and deeply involved in service to their community and to all its citizens; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we join with their family and friends in congratulating this exemplary couple of Geneva, Alabama, and wish them many more happy years together.

BE IT FURTHER RESOLVED, That a copy of this resolution be provided for Mr. and Mrs. Purvis that they may be aware of our congratulations and warm best wishes on this memorable occasion.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Miller then offered the following Senate Joint Resolution, to-wit:

S. J. R. 200. COMMENDING THE RIFLE AND DRILL TEAMS OF ENTERPRISE HIGH SCHOOL.

WHEREAS, it is with deep pride and pleasure that the Alabama Legislature commends the Rifle and Drill Teams of Enterprise High School for top honors received in Southern Regional competition; and

WHEREAS, the Enterprise High School Rifle Team once again, and for the second consecutive year, was awarded the rotating trophy from the Holiday in Dixie Invitational Meet, competing with teams from five Southern states; and

WHEREAS, trophies won by this outstanding Alabama JROTC Rifle Team were for both high team standing and kneeling scores with four individual trophies awarded, as well, to members Gary Shoap, Jon Ward, Tom Merideth and Cary Ann Howell, who placed third, fourth, seventh and eighth respectively, among the top ten shooters; and

WHEREAS, the Enterprise High School drill teams also distinguished themselves in competition with 37 male and female teams from the five-state area; the Belles of Blue Knights, under command of Cadet Lieutenant Colonel Shelly Henderson and Executive Officer, Cadet Major Laura Baade, scored 5.76 of a possible 600 points to win two first place trophies in fancy drill and inspection to claim the top award for the second straight year; and

WHEREAS, the Blue Knights, scoring 582.4 out of 600, took second place in precision drill and its commander, Cadet Lieutenant Colonel Craig Rogers, won fifth in individual competition scoring 93 out of a possible 100; the Blue Knights executive officer is Cadet Major Durwood Wilson; and

WHEREAS, further, the Enterprise Orienteering team, though newly organized, placed eighth among 23 teams in this sport of stamina, map reading and decision making; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we both highly commend and heartily congratulate the champion Rifle and Drill Teams of Enterprise High School and direct that each team receive a copy of this resolution with a copy also provided for appropriate school display.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs. Pearson and Miller offered the following Senate Resolution, to-wit:

S. R. 201. CONGRATULATING THE TRACK TEAMS OF CALHOUN SCHOOL, STATE TRACK AND FIELD CHAMPIONS OF AHSAA.



Which was adopted.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 38. To authorize the examination of any small loan company, finance company, and other individual or person holding any license from the State Banking Department; and to authorize the Superintendent of Banks to prescribe examination fees and per diem allowance of examiners to be paid by licensees to cover expense of examinations.

Also:

S. 107. To establish the "Alabama Correctional Incentive Time Act"; to provide for earned deductions from penitentiary and hard labor sentences and to establish certain criteria therefor; to create classifications for measurement of such deductions and eligibility therefor; to require minimum sentences prior to parole eligibility; to authorize the commissioner of the department of corrections to restore certain portions of such deductions lost; to authorize the commissioner to issue, promulgate and implement such rules and regulations necessary to implement the provisions of this act; to specifically repeal Sections 14-9-1, 14-9-2, 14-9-4, 14-9-20, 14-9-21, 14-9-22, 14-9-23, 14-9-24 and 14-9-25 of the Code of Alabama 1975, and all laws or parts of laws conflicting with this act; to make certain exemptions from the provisions of this act for those persons presently serving as inmates in the penitentiary or at hard labor and for those who are convicted for crimes committed prior to the effective date of this act, so as to provide that such prisoners shall earn deductions from sentences as presently provided by law; and to provide habitual offenders shall not be eligible for any deductions from sentences.

ALBERT McDONALD,  
Chairman.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

RESOLUTIONS

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 202. RECOGNIZING LISA ELAINE LANE FOR EXTRAORDINARY ACHIEVEMENT.

Which was adopted.

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 203. COMMENDING MRS. ALICE RHODES, IMMEDIATE PAST PRESIDENT OF THE ALABAMA FEDERATION OF WOMEN'S CLUBS.

WHEREAS, Mrs. Alice Rhodes of Enterprise, Alabama, has just recently completed a two-year term as President of the Alabama Federation of Women's Clubs, an organization of 224 clubs with a total of more than 8,500 members; and

WHEREAS, a housewife and mother, a teacher by profession and one of her city's most prominent civic leaders, Mrs. Rhodes' talents and effective efforts resulted in a prestigious tenure during which time she traveled more than 28,000 miles, both within and without the State of Alabama, promoting projects and activities related to the Free Enterprise program of the AFWC; and

WHEREAS, youth services, scholarship programs, work with CARE, community projects and charitable endeavors are some of the many other areas in which member organizations of the AFWC were involved and in which areas state leadership was outstandingly provided by Mrs. Rhodes; and

WHEREAS, additionally, three special Junior projects—March of Dimes, Action for Children and Alabama Association for Retarded Citizens—were conducted with tremendous success during Mrs. Rhodes' presidency, as was the Industries for the Blind sales which totalled in excess of \$68,000; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Alice Rhodes of Enterprise, Alabama, and offer our sincere congratulations on the success and effectiveness of her presidency of the Alabama Federation of Women's Clubs.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Mrs. Rhodes that she may be aware of our warm phrase and of our deep appreciation for her outstanding accomplishments.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 204. CONGRATULATING THE MONROE COUNTY HIGH SCHOOL TIGERS ON THEIR OUTSTANDING BASEBALL SEASON.

Which was adopted.

Mr. Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 205. HONORING MRS. LYNN JETER UPON EXPIRATION OF HER TERM OF SERVICE ON THE ENTERPRISE CITY BOARD OF EDUCATION.

WHEREAS, the Alabama Legislature joins with the City of Enterprise, Alabama, in paying tribute to Mrs. Lynn Jeter upon completion of her prestigious term of service on the Enterprise Board of Education, a term historic in significance as she was not only the first woman ever appointed to the Board but also was the first woman to serve as president; and

WHEREAS, at a dinner recently held in Mrs. Jeter's honor, she was presented a plaque by the Enterprise Education Association, the Distinguished Service Award from the City of Enterprise and a plaque in appreciation of service from the city's school system; and

WHEREAS, Mrs. Jeter's dedicated service has been responsible in large part for many of the school system's accomplishments during the past five years, perhaps most notably in the areas of school bus transportation, capital improvements and instructional programs; and

WHEREAS, throughout her five year tenure on the board, Mrs. Jeter has first and foremost accorded priority, in all decisions, to the welfare and well-being of the school children of Enterprise; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most highly commend Mrs. Lynn Jeter of Enterprise, Alabama, not only as that city's first woman school board member and first woman president, but also for her outstanding accomplishments in the interest of quality education for the youth of our state.

BE IT FURTHER RESOLVED, That Mrs. Jeter receive a copy of this resolution in token of our deep appreciation and high regard.

On motion of Mr. Miller, the Rules were suspended and the Resolution was adopted by the Senate.

Messrs.: Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Glass, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks and White offered the following Senate Joint Resolution, to-wit:

S. J. R. 206. HONORING COMMISSIONER H.H. SUMRALL, JR., FOR EXTRAORDINARY SERVICE TO THE STATE OF ALABAMA.

WHEREAS, it is with deep regret that the Alabama Legislature notes the resignation of Alabama Insurance Commissioner H.H. Sumrall, Jr., to re-enter private enterprise, an area in which he early achieved significant success and prominence among his peers; and

WHEREAS, a native of Laurel, Mississippi, a United States Marine Corps veteran and a graduate of Auburn University, Hal Sumrall interrupted a rapidly advancing business career to work closely with his long-time friend, Governor Fob James, who through personal knowledge was well aware of Mr. Sumrall's innate ability and talent for administrative excellence; and

WHEREAS, appointed Commissioner of Insurance for the State of Alabama on August 22, 1979, Hal Sumrall has since that time remarkably and rapidly reorganized the department into an efficient and highly reputable vehicle of industry regulation; he further has worked closely in consultation with the Commissioner's Advisory Board to effectuate liaison between the department and that membership of Alabama's responsible insurance community; and

WHEREAS, Commissioner Sumrall, during his productive tenure, also earned national regard among the commissioners of other state departments of insurance for his role as administrator and insurance regulator for the State of Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby commend the Honorable H.H. Sumrall, Jr., for distinguished service to the State of Alabama and wish him every continued success in all future endeavors.

BE IT FURTHER RESOLVED, That Mr. Sumrall receive a copy of this resolution, tendered in appreciation and praise, and as evidence of our high regard.

On motion of Mr. Bailey, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 207. RESOLVED BY THE SENATE That the following bill in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day only:

Bill No.	Page No.	Description
H. B. 287	43	Sales Taxes petroleum products

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns, same herewith to the Senate.

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 354, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. B. 354

#### A BILL TO BE ENTITLED AN ACT

To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Be It Enacted by the Legislature of Alabama:

Section 1. It is the express intent of this legislature to promote the conservation of the state's petroleum resources and to encourage the usage of alternative fuels for motor vehicles in this state. In order to accomplish the intent herein expressed, and to provide an incentive for those individuals who participate in such a conservation effort, there shall be a reduced rate of excise tax on the motor fuel "gasohol" as hereinafter provided.

Section 2. "Gasohol" as used in this Act shall mean a motor fuel containing a minimum of ten percent blend of ethyl alcohol of a purity of at least ninety-nine percent denatured in conformity with one of the approved methods set forth by the U.S. Department of the Treasury, Division of Alcohol, Tobacco and Firearms and derived from agricultural or forest products or other renewable resources.

Section 3. Notwithstanding the other provisions of Chapter 17 of Title 40 of the Code of Alabama 1975, the amount of excise tax on gasohol shall be three cents per gallon less than gasoline. The reduced rate of taxation granted by this section for gasohol shall also apply to gasohol manufactured or distilled in another state, if that state reduces the rate of taxation or exempts from its motor fuel tax gasohol manufactured or distilled within the State of Alabama. For all other purposes other than the amount of excise tax, the term "gasohol" shall be included within the term "gasoline" as defined in Section 40-17-30 of the Code of Alabama 1975.

Section 4. The provisions of this Act are supplemental and shall not be construed to repeal any law not in direct conflict herewith.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective upon the first day of the second month following its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Parsons
Bailey	Gulledge	Kirkland	St. John
Barron	Hall	Lemaster	Taylor
Callahan	Higginbotham	Little	Teague
deGraffenried	Holmes	Mitchem	Vacca

—19

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 360. To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Bailey, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 360, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 360

Amend Senate Bill 360 in Section 1, page 2, on line 11 after the word "extended" by inserting the following:

to ten years.

Further amend Senate Bill 360 in Section 1, page 2, lines 11 through 16 by deleting the remaining language in this paragraph, viz; and shall not serve as a bar to any claim supported by sworn, competent medical testimony that the cause of death was directly related to, or the result of, the performance of said duties regardless of the time interval between the injury and death of any such peace officer or fireman.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Keener	St. John	
Bailey	Gulledge	Kirkland	Taylor	
Barron	Hall	Little	Vacca	
Britnell	Harrison	Mitchem	Weeks	
Cook	Holmes	Parsons		—18

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I transmit herewith a Message from the Governor, concerning House Bill Number 266 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 6th day of May, 1980.

REGULAR SESSION  
29th Day

1775

To the House of Representatives  
State Capitol  
Montgomery, Alabama

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 266, without my signature and approval and with the following suggested Executive Amendment.

On page 2, Section 4, delete lines 23 and 24 and insert in lieu thereof the words "on April 1, 1981."

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 69; Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 69, Nays 0.

And said Bill, H. 266, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Lemaster, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 266, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Parsons
Bailey	Gulledge	Lemaster	St. John
Barron	Hall	Little	Taylor
Britnell	Harrison	Martin	Weeks
deGraffenried	Holmes	Mitchem	White
Denton			

—20

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 266, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Smith
Bailey	Harrison	Little	Taylor
Barron	Holmes	Mitchem	Vacca
Britnell	Keener	Parsons	Weeks
Goodwin	Kirkland	St. John	White
Gulledge			

—20

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 200. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Gulledge, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 200, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 200

Amend Senate Bill 200 in Synopsis, line 14, after the word "be" by striking the word "stricken" and inserting in lieu thereof stricken

## HOUSE AMENDMENT TO S. B. 200

Amend Senate Bill 200 on page 2, paragraph 2, line 14 after the word advertised by adding the following;

and passed by the legislature

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	Robertson
Bailey	Harrison	Little	Smith
Barron	Higginbotham	Martin	Taylor
Britnell	Holmes	Miller	Vacca
Goodwin	Keener	Parsons	White
Gulledge	Kirkland		

—21

*Nays:*

—0



MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 941 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 6th day of May, 1980.

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 941 without my signature and approval and with the following suggested Executive Amendment.

Delete Section 6, page 4, lines 5 through 7, and insert in lieu thereof a new section 6 to read as follows:

"Section 6. The proceeds from the tax hereby authorized, less the actual costs of collection not to exceed five per centum (5%) shall be paid by the state Department of Revenue into the County general fund of Bibb County to be expended at the discretion of the county commission."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES.

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 67; Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 69, Nays 0.

And said Bill, H. 941, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. deGraffenried, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 941, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Proctor	White	
deGraffenried	Keener			—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 941, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Proctor	White	
deGraffenried	Keener			—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

### RESOLUTION

Mr. Britnell offered the following Senate Resolution, to-wit:

S. R. 208. CONGRATULATING HUBBERTVILLE HIGH SCHOOL'S "LADY LIONS," STATE CLASS A BASKETBALL CHAMPIONS.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 595. Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Lemaster, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 595, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 595

Amend S. B. 595 on page 1, Section 2, line 34, by striking the words the applicant's birthday and inserting in lieu thereof: expiration of the current year's tag or decal

Further amend S. B. 595 on page 2, Section 3, line 7, by striking the words the applicant's birthday and inserting in lieu thereof:

expiration of the current year's tag or decal

Further amend S. B. 595 on page 2, Section 3, line 18, by striking the words applicant's birthday and inserting in lieu thereof:

applicant's tag or decal expiration

Yeas 25; Nays 0.

Yeas:

Messrs:	Denton	Little	Smith
Bailey	Figures	McDonald	Taylor
Barron	Glass	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Proctor	White
Cook	Lemaster		

—25

Nays:

—0

REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Dr. Harold R. Collins, Mr. Tine Davis, and Senator John A. Teague to the Troy State University Board of Trustees.

On motion of Mr. McDonald, the appointment of Dr. Collins was confirmed by the Senate.

Yeas 28; Nays 0.

*Yeas:*

Messrs.	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Goodwin			—28

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Davis was confirmed by the Senate.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	St. John
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Goodwin			—28

*Nays:* —0

On motion of Mr. McDonald, the appointment of Senator Teague was confirmed by the Senate.

Yeas 27; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Little	Robertson
Barron	Hall	Martin	St. John
Britnell	Harrison	McDonald	Taylor
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
			—27

*Nays:* —0*Abstaining:* Mr. Teague. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Bennett, Lewis and Waggoner:

H. J. R. 298. DECLARING MISS TERESA PARKER TO BE OF ITALIAN DESCENT.

WHEREAS, The Legislature of Alabama is pleased to note the forthcoming marriage, on May 17, 1980, of our friend and colleague, Mr. John Amari, to Miss Teresa Parker; and

WHEREAS, the Legislature further notes that Mr. Amari's entire family has expressed a desire that our colleague marry an Italian girl; and

WHEREAS, it is the consensus of this body, after being advised by our colleague's Uncle John and Uncle Paul that since at one time "All Roads Led To Rome," that, time permitting, thorough research might well turn up an Italian twig somewhere in Miss Parker's family tree; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That in the interest of time and a desire to please, we hereby declare Miss Teresa Parker to be of direct Italian lineage and descent.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent immediately to Miss Teresa Parker and to our colleague's Uncle John and Uncle Paul that they may know that Miss Teresa Parker is indeed an Italian girl, and what's amore—that's Amari!

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 298, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTIONS

Mr. Teague offered the following Senate Resolution, to-wit:

S. R. 209. REQUESTING AN ADVISORY OPINION OF THE JUSTICES OF THE SUPREME COURT RELATIVE TO H. B. 287.

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court or a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning H. B. 287, pending before the Senate, a copy of which is attached to this resolution and made a part hereof by reference.

House Bill 287, as introduced, raised revenue for the Highway Department and has been amended and substituted in the House of Representatives and in the Senate. While the bill still produces revenue for the Highway Department, it is now in the form of a 4¢ per gallon tax on gasoline. Does the changing of the revenue producing device violate Section 61 of the Constitution as a bill so altered or amended as to change its original purpose?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, H. B. 287, with all House and Senate amendments and substitutes, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

SUBSTITUTE FOR H. B. 287

A BILL  
TO BE ENTITLED  
AN ACT

To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 40-23-4, Code of Alabama 1975, as amended, so as to remove the exemption for the gross proceeds of the lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama, 1975, as amended, which are otherwise taxed, and to provide for further exemptions for such products sold to certain individuals over the age of 65, such products used for agricultural purposes and the gross proceeds for certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol; to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; and to further amend Section 40-23-35, Code of Alabama 1975, so as to provide further for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-3, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-3. Exclusion of certain municipal privilege license taxes and certain state and federal excise taxes.

"Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate of gross sales, or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer shall be excluded from gross sales, or gross receipts, as the case may be, in the computation of sales tax levied by this state, under the provisions of this division.

"State excise taxes imposed in Sections 40-17-2, 40-17-31 and 40-17-171 of the Code of Alabama 1975, as amended from time to time and federal excise taxes imposed in Title 26, Section 4081, United States Code, as amended from time to time, shall be excluded from gross sales or gross receipts, as the case may be, in the computation of the sales tax levied by this state under the provisions of this division."

Section 2. Section 40-23-4, Code of Alabama 1975, as amended, is further amended to read as follows:

"§ 40-23-4. Exemptions.

"There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

"(1) The gross proceeds of the sales of lubricating oil and gasoline as defined in Sections 40-17-30 and 40-17-170, which are otherwise taxed.

"(1) The gross proceeds of the sales of motor fuel, gasoline and lubricating oil as defined in sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975, when such sales are to persons 65 years of age or older with a taxable income, for state income tax purposes of less than \$10,000 per annum; provided however, this exemption shall only apply to sales where such products are for the use in such person's personal automobile, pick-up truck, light van or recreational vehicle for other than business purposes. Such persons may file for such exemption on their state income tax returns. The Alabama Department of Revenue shall have the power and authority to prescribe forms, rules and procedures to regulate the exemptions provided herein.

"(2) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm dairy, grove or garden, when in the original state or production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) The gross receipts from the business of which, or for engaging in which, a license or privilege tax is levied by or under the provisions of Sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

"(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(9) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or con-

sumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

"(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas of gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign countries provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

"(11) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the state and to incorporated municipalities of the State of Alabama.

"(12) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

"(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

"(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

"(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the State of Alabama, the counties within the state or any incorporated municipality of the State of Alabama.

"(16) The proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

"(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

"(18) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind persons, as defined in Section 1-1-3; provided, that such small business establishment shall be the property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the State Department of Education and the Alabama Institute for the Deaf and Blind, that the operator shall have filed application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the State of Alabama.



"Any persons claiming exemption hereunder shall file with the Commissioner of Revenue an application therefor in the form prescribed by the Commissioner of Revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

"Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

"(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

"(20) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

"(21) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

"(22) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemption now provided by law for feed for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

"(23) The gross proceeds of the sale, or sales, or seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

"(24) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

"(25) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community be presenting such productions to the general public for an admission charge.

"The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

"(26) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term "herbicides," as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and dessicant herbicides.

"(27) The Alabama Chapter of the Cystic Fibrosis Research Foundation, and the Jefferson Tuberculosis Sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

"(28) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division under any county or municipal sales tax law.

"The words "commercial fishing vessels" shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

"(29) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as "chicken litter" by poultry producers and poultry processors.

"(30) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

"(31) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

"For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

a. The name and claim number as shown on a "Medicare" card issued by the United States Social Security Administration.

b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(32) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

"(33) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(34) The gross proceeds from the sale of liquefied petroleum gas, motor fuel, gasoline and lubricating oils sold to be used for agricultural purposes.

"(35) The gross proceeds from the sale of ethyl alcohol sold to be used in internal combustion engines.

"(36) That portion of the gross proceeds from the sale of gasohol sold to be used in internal combustion engines, which is attributable to the portion of its volume made up of ethyl alcohol."

Section 3. Section 40-23-35, Code of Alabama 1975, as amended, is further amended as follows:

"Disposition of revenues from tax.

"Such amount of money as shall be appropriated for each fiscal year by the Legislature to the Department of Revenue with which to pay the salaries, the cost of operation and management of said Department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allotted pursuant to Article 4 of Chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or

receipts levied or collected under this division. The comptroller, with the approval of the governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sums as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the Bureau of the Census; one half of said proceeds shall be divided or distributed equally among the 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the State Board of Health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government at the discretion of the county commissions of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00 then an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the Department of Pensions and Security for a statewide, state-administered food stamp program, as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps)

during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the Department of Pensions and Security trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture. The Department of Pensions and Security will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama special educational trust fund.

"The amount of the proceeds of the tax collected on retail sales of motor fuel as defined in Section 40-17-1, Code of Alabama, 1975 when collected, shall be deposited into the state treasury to the credit of the highway department to be used exclusively for highway purposes. The amount of the proceeds of the tax collected on retail sales of gasoline and lubricating oil as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975 shall be distributed in the same manner as outlined in Sections 40-17-72 and 40-17-73, Code of Alabama, 1975, as amended. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of the tax levied by Section 40-17-31, Code of Alabama, 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this chapter; provided further, that the legislature may by general or local laws prescribe other distribution within counties to local governments. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and, the distribution to the counties and the distribution of the tax collected on motor fuel, gasoline and lubricating oil as herein provided shall be paid into the Alabama special educational trust fund. In this division, "general welfare purposes" means:

- (1) The administration of the public assistance as set out in Sections 38-2-5 and 38-4-1;
- (2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;
- (3) Services to and on behalf of dependent, neglected or delinquent children; and
- (4) Investigative and referral services to and on behalf of needy persons."

Section 4. It is the intent of the legislature that the proceeds of the tax collected on retail sales of motor fuel, gasoline and lubricating oil under the provisions of this Act shall be used in the following manner:

- (a) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction and maintenance of public roads and bridges on the state highway system.

(b) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues; and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(c) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. These funds shall not be used for the purchase of equipment. These funds shall be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 5. Within the meaning of this Act the following words and phrases shall have the following meaning:

(a) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and Rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(b) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are repealed.

Section 8. This Act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

#### AMENDMENT TO SUBSTITUTE FOR H. B. 287

In the title of the bill on page 2, line 5, strike the word and after the word "purposes" and insert in lieu thereof the following punctuation: ,

In the title of the bill on page 2, line 6, after the word "gasohol" insert the following:

, the gross proceeds from the sales of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft

Further amend said bill on page 11, line 6, by deleting the quotation mark at the end of the sentence and after line 6 insert the following:

"(37) The gross proceeds from the sale of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft."

AMENDMENT NO. 2 TO SUBSTITUTE FOR H. B. 287

In the title on page 2, line 10 delete the word "and"; on line 14 delete the period at the end of the sentence, substitute a semi-colon therefor and after the semi-colon add the following:

to provide legislative intent that sales tax on motor fuel and gasoline be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps and that the Department of Revenue promulgate rules, regulations and procedures to accomplish such intent.

On page 16, renumber sections 6, 7 and 8 so that they become sections 7, 8 and 9 respectively and insert a new section 6 on page 16, line 24 to read as follows:

Section 6. It is the further intent of the legislature that the sales tax levied on motor fuel and gasoline pursuant to Section 40-23-2 Code of Alabama, 1975, be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps. The Department of Revenue is hereby authorized and directed to promulgate rules, regulations and procedures to accomplish such intent.

Which was adopted.

RESOLUTION

Messrs. Miller and Denton offered the following Senate Joint Resolution, to-wit:

S. J. R. 210. CONGRATULATING MISS ELIZABETH LESTER ON HER SELECTION AS "MISS NORTH ALABAMA."

WHEREAS, the Alabama Legislature notes in pleased concurrence the selection of Miss Elizabeth Lester as "Miss North Alabama" at the pageant held April 19, 1980, in Florence, Alabama; and

WHEREAS, Miss Lester of Enterprise, Alabama, and a junior at Birmingham Southern College majoring in piano performance, is a young lady who is as talented as she is lovely; she recently was the recipient of the Snavelly Talent Scholarship award which is presented annually to a Southern student with outstanding talent; and

WHEREAS, it is to be noted that last year Miss Lester represented Southeast Alabama in the Miss Alabama Pageant and was selected as a preliminary swimsuit winner and as one of the top ten finalists; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we most heartily congratulate Miss Elizabeth Lester of Enterprise with warm best wishes for success in upcoming competition for the Title of Miss Alabama; we further direct that Miss Lester receive a copy of this resolution in token of our sincere praise and in appreciation of her extraordinary beauty and talent.

On motion of Mr. Denton, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 286. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development, management and efficient use of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Boards' funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Smith, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 286, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 286

Amend Senate Bill 286 on page 9, line 37 after sub-section (p) by adding a new sub-section (q) by adding the following language: (g) one representative of the State Department of Education.

#### AMENDMENT TO S. B. 286

Amend Senate Bill 286, Section 8, Page 9, after line 36 by adding the following:

(q) One representative from an Alabama Technical College which offers a coal mine technology program

#### AMENDMENT TO S. B. 286.

Amend S. B. 286 on page 9 by deleting the present subsection (k) appearing as lines 22 through 24 and insert in lieu thereof the following:



(k) one representative of agriculture to be designated by the Commissioner of Agriculture and Industries and one representative of private, non-industrial forestry to be designated by the Alabama Forestry Commission.

AMENDMENT TO S. B. 286

Amend S. B. 286 by striking all of paragraph (i) of subsection (1) of Section 8 on page 9 lines 18 and 19 and substitute in lieu thereof the following:

"(i) one representative from the private investor-owned electric utility industry and one representative from the rural electric cooperatives."

AMENDMENT TO S. B. 286

Amend S. B. 286 as follows:

After line 12, page 4 under Section 2. (i) add the following:

(j) It is the intent of the Legislature that the state shall not enter into the production or distribution of energy in any form.

AMENDMENT TO S. B. 286

Amend S. B. 286 on page 4, Section 1 (g) lines 5 and 6 by striking the words "and demonstration".

AMENDMENT TO S. B. 286

Amend S. B. 286 on page 3, Section 1(f) lines 36 and 37 by striking after the word "enjoy" the rest of the sentence.

AMENDMENT TO S. B. 286

Amend S. B. 286 on page 6, Section 4 (14), line 35 by striking the words "and provide for" and add the word "and" after the word encourage.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Mitchem
Bailey	Goodwin	Lemaster	Proctor
Barron	Hall	Little	Taylor
Britnell	Higginbotham	Martin	Teague
Callahan	Holmes	Miller	Vacca
deGraffenried	Keener		

—21

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 1. To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act, provided further that employees in the class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be appropriated to the Employees' Retirement System from the Alabama Special Education Trust Fund; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide the necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Britnell, the Senate non-concurred in the following House amendment to the Bill, S. B. 1, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. B. 1

#### A BILL TO BE ENTITLED AN ACT

To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1980, to any person retired prior to October 1, 1979, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase in his maximum retirement allowance as follows:

A. If such person retired prior to October 1, 1963, a 15% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$30, nor more than \$60 per month; and provided further that, if such person retired under the provisions of Section 36-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$15, nor more than \$40, per month.

B. If such person retired on or after October 1, 1963, but prior to October 1, 1973, a 10% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$20, nor more than \$40, per month; and provided further that, if such person retired under the provisions of Section 36-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$10, nor more than \$20, per month.

C. If such person retired on or after October 1, 1973, but prior to October 1, 1979, a 5% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$10, nor more than \$30, per month; and provided further that, if such person retired under the provisions of Section 37-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$5, nor more than \$15, per month.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement Systems of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby allocated and expended from existing funds of the Teachers' Retirement System, or from such funds as are appropriated to the Teachers' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the legislature continues to authorize the benefits herein provided.

(b) There is hereby allocated and expended from existing funds of the Employees' Retirement System of Alabama, or from such funds as are appropriated to the Employees Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act,

as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the legislature continues to authorize the benefits herein provided.

(c) (1) There is hereby allocated and expended from existing funds of the State Employees' Retirement System, or from such funds as are appropriated to the Employees' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Employees' Retirement System of Alabama, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter in which the legislature continues to authorize the benefits herein provided.

(2) The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the Legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent expenditures from the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. The cost-of-living increase provided retirants herein shall remain in effect only so long as the Alabama legislature continues to authorize such benefits. In no way shall Act be interpreted as to constitute a continuing obligation of the funds of the Teachers' or Employees' Retirement Systems of Alabama.

Section 5. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such persons' eligibility to receive benefits

is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 6. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating the providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this Act shall become effective October 1, 1980, following its passage by the Alabama Legislature and approval by the Governor.

and requested a Committee on Conference.

Yeas 19; Nays 0.

*Yeas*

Messrs.:	Goodwin	Kirkland	Proctor
Barron	Hall	Little	Smith
Britnell	Higginbotham	Martin	Taylor
Callahan	Holmes	McDonald	Teague
Denton	Keener	Miller	Weeks

—19

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Britnell, Weeks and Denton.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. McMillan, Penry and Bedsole:

H. J. R. 283. COMMENDING HONORABLE JOE C. McCORQUODALE, JR., CHAIRMAN, AND ALL OTHER MEMBERS OF THE GOVERNOR'S FOREST DISASTER RECOVERY COUNCIL FOR DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC AND THE HONORABLE FOB JAMES, GOVERNOR, FOR NAMING SAID COUNCIL.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 283, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTION

The Resolution:

H. J. R. 208. TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONSTITUTIONAL CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES OF AMERICA TO PROVIDE THAT UNLESS ADOPTED AS LAW BY THE CONGRESS, FEDERAL RULES AND REGULATIONS ADOPTED BY AN ADMINISTRATIVE BODY OR AN OFFICIAL IN THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT SHALL NOT BE THE SUPREME LAW OF THE LAND AND SHALL NOT BE SUPERIOR IN EFFECT TO ANY STATE LAWS OR PROVISIONS OF STATE CONSTITUTIONS.

having been postponed on the Twenty-Third Legislative Day, was again taken up.

On motion of Mr. Goodwin, the Rules were suspended and the Resolution, H. J. R. 208, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Adams (C):

H. J. R. 285. CREATING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a legislative joint interim committee to study educational institutions which receive state money. Said committee shall be composed of three members of the House of Representatives and three members of the Senate to be appointed by the respective presiding officer of each body. The chairman and vice chairman of the committee shall be elected at the first meeting by the members of the committee. The committee shall adopt all necessary rules of procedure.

Said committee shall:

1. Examine encumbered or reserved and unencumbered or unreserved funds affecting said educational institutions,
2. examine capital outlay funds, practices and procedures affecting said educational institutions,
3. review operations and maintenance funds, practices and powers affecting said educational institutions,
4. review investment policies, procedures and performance affecting said educational institutions,
5. review purchasing practices and procedures affecting said educational institutions,
6. examine expenditures on non-academic functions by said educational institutions, and

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7. review fiscal policies and procedures of said educational institutions.

The committee shall have subpoena powers and the power to punish for contempt.

Upon the request of the chairman, the Secretary of the Senate and the Clerk of the House shall provide clerical assistance as may be necessary for the committee's work. Additional assistance shall be provided by the Legislative Reference Service, the Legislative Fiscal Office, the Department of the Examiners of Public Accounts, the Education Study Committee or any other public board, commission, committee or agency.

Said committee shall report its findings, conclusions and recommendations to the legislature not later than the 10th legislative day of the next regular session, at which time the committee shall be abolished.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem, mileage and travel expenses for each committee meeting attended. Said money shall be paid out of any fund appropriated to the use of the legislature, upon warrants drawn on the state comptroller upon requisitions signed by the committee's chairman. Provided, however, that members shall not receive additional legislative compensation or per diem when the legislature is in session, but they shall receive their travel expenses for all meetings attended and for any travel upon the business of the committee.

The total expenses of the committee shall not exceed \$12,000.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 285, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MOTION IN WRITING

Mr. Pearson offered the following Motion in Writing, to-wit:

Now comes Mr. Pearson, as chairman of the Senate Committee on Finance and Taxation, and moves that the following house bills be re-referred to the Senate Committee on Rules, and that any and all other bills that would normally be referred to the Committee on Finance and Taxation during the remainder of the session be referred to the Senate Committee on Rules, as the Senate Committee on Finance and Taxation has finished its agenda for the 1980 Regular Session:

- 1) House Bill 170 by Rep. McKee
- 2) House Bill 698 by Rep. Bennett
- 3) House Bill 1004 by Mr. Turnham

Which was adopted.

And the President and Presiding Officer of the Senate ordered said Bills, H. B.'s 170, 698 and 1004, re-referred to the Standing Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Crow, Campbell, Blake and Willis:

H. J. R. 284. DIRECTING THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD TO FORTHWITH CEASE ISSUING BEER, WINE OR LIQUOR LICENSES TO CERTAIN ALIEN RESIDENTS.

WHEREAS, the Alabama Legislature recognizes that the economy and world events have threatened the livelihood of many of our native Alabamians who have worked for the betterment of this state and its citizens and who have paid taxes; and

WHEREAS, it has come to the attention of the legislature that the Alabama Alcoholic Beverage Control Board allows licenses for the sale of beer, wine or liquor to be issued to aliens who presently, even temporarily, reside within the state and many such aliens have not, nor do they intend to apply for American Citizenship; and

WHEREAS, such indiscriminate licensing poses potential serious dangers to the health and morals of our citizens and this state's interest in temperance; and

WHEREAS, such licensing lessens business and job opportunities to native Alabamians and other citizens who have contributed their talents and taxes for many years; now therefore,

BE IT RESOLVED BY THE ALABAMA LEGISLATURE, BOTH HOUSES THEREOF CONCURRING, That the Alabama Alcoholic Beverage Control Board is hereby directed to forthwith cease and desist from issuing any license for the sale of beer, wine or liquor to any alien who has not applied for citizenship at least six months prior to making application therefor.

BE IT FURTHER RESOLVED, That the Alcoholic Beverage Control Board may continue to process any applications by aliens who are non-citizens which are pending on the date this resolution becomes an act; thereafter no such applications shall be processed.

RESOLVED FURTHER, That a copy of this resolution shall be sent to the director of the Alabama Alcoholic Beverage Control Board.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 284, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.



H. 440. To be known as the Alcoholic Beverage Licensing Code; to further regulate and control alcoholic beverage transactions in wet counties in Alabama under the control and supervision of the alcoholic beverage control board; to authorize the board to license others to engage in alcoholic beverage transactions in accordance with the provisions of this Code; to provide for application for, and the issuance and renewal of, and regulation of the grant of licenses; to authorize the sale of alcoholic beverages by the licensees of the board; to impose, levy and authorize state, county and municipal license fees for engaging in manufacture, warehousing, import, wholesale or retail sale of alcoholic beverages; to prescribe penalties including suspension or revocation of licenses and fines against licensees for violation of laws relating to manufacture, sale, possession or transportation of alcoholic beverages and of regulations of the board; to proscribe unlawful acts and offenses and to provide for punishment therefor; and to repeal laws or parts of laws in conflict herewith.

Also:

H. 492. To provide for an examination fee of five dollars (\$5.00) prior to testing for driver license, temporary instruction and learner's permits, and motor driven cycle operators license.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after thier titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Johnson (R.G.):

H. J. R. 293. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

WHEREAS, funding will be needed to continue the duties and functions of the continuing select joint committee to study the rising cost to the state of the medicaid programs; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby appropriated out of funds appropriated to the use of the legislature, \$7,000.00 to the continuing select joint committee to study the rising cost to the state of the medicaid programs established by Act No. 79-816 of the 1979 Regular Session of the Legislature.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Holmes, the Rules were suspended and the Resolution, H. J. R. 293, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## SUSPENSION OF RULES DENIED

Mr. Smith requested that the Rules be suspended in order that the Bill, H. B. 630, in the Standing Committee on Governmental Affairs, might be re-referred to the Standing Committee on Rules, which request was denied.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for fiscal year ending September 30, 1981.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Pearson, the Senate non-concurred in the following House amendment to the Bill, S. B. 315, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. 315

Amend S. 315, as last substituted and amended as follows:

On page 12, in Section 3, Subsection 11, Subtract in its entirety subparagraph "(a) Planning and Coordination Services Program 405,272

On page 13, delete the designations "(b)" and "(c)" and insert in lieu thereof the designation (a) and (b), respectively

On page 13, in the "Appropriation Total" column, reduce "5,723,879" to: 5,223,879

On page 21, in subparagraph (m), increase "53,317,265 to: 53,817,265

## HOUSE SUBSTITUTE FOR S. B. 315

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1981 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of

this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

Section 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1981 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

### Section 3

#### A. STATE AGENCIES

##### 1. Academy of Honor, Alabama

(a) Historical Resources Management Program .....	950
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##### SOURCE OF FUNDS:

(1) ASETF .....	950	
Total Alabama Academy of Honor .....	950	950

##### 2. Arts and Humanities, Council on The

(a) Fine Arts Program .....	1,100,000
(b) Birmingham Symphony .....	200,000
(c) Alabama Shakespeare Festival .....	25,000

##### SOURCE OF FUNDS:

(1) ASETF .....	525,000	
(2) Federal and Local Funds ....		800,000

Total Council on the Arts and Humanities .....	525,000	800,000	1,325,000
3. Debt Service .....			874,269
(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII .....	214,525		
(b) Interest on Endowments:			
For interest on University of Montevallo (Alabama College) Endowment, Estimated ...	45,000		
For interest on Auburn University Endowment .....	20,280		
For interest on University of Alabama Endowment .....	61,000		
For interest on Grove Hill Endowment .....	600		
For interest on Public School Fund Endowment:			
Interest on 16th Section lands, Estimated .....	410,000		
Interest on School Indemnity lands, Estimated .....	90,000		
Interest on Valueless 16th Section Lands .....	5,825		
Interest on Surplus Revenue .....	26,764		
Interest on James Wallace Fund .....	275		
Total .....	659,744		
SOURCE OF FUNDS:			
(1) ASETF .....	874,269		
Total Debt Service .....	874,269		874,269
4. Dental Scholarship Awards, Board of			
(a) Support of Other Educational Activities Program .....			228,000
SOURCE OF FUNDS:			
(1) ASETF .....	228,000		
Total Board of Dental Scholarship Awards .....	228,000		228,000

(To be expended under the provisions of Act No. 662, 1977 Regular Session.)

5. Education, Department of

(a) Instructional Technical Assistance Program .....	7,644,166
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The proposed spending plan for the above is as follows:

Right-to-Read ..... 80,250

Career Education ..... 105,600

Special Education Administration ..... 525,000

State Fire College and Technical Assistance Program at Shelton State Community College ..... 250,000

Vocational Education ... 700,000

SOURCE OF FUNDS:

(1) ASETF .....	1,660,850		
(2) Federal and Local Funds ....		<u>5,983,316</u>	
Total Instructional Technical Assistance Program .....	<u>1,660,850</u>	<u>5,983,316</u>	<u>7,644,166</u>

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act.)

(b) Local Agency Support Program .....	12,451,560
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The proposed spending plan for the above is as follows:

Coordination of In-School Television ..... 114,159

School Bus Driver Training and Vehicle Safety Inspection ..... 206,045

Free Textbooks ..... 8,500,000

In addition to the above appropriation, \$1,500,000 is hereby appropriated for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing ..... 800,000

Plans and Surveys ..... 71,132

## SOURCE OF FUNDS:

(1) ASETF .....	9,691,336		
(2) Federal and Local Funds ....		<u>1,260,224</u>	
Total Local Agency Support Program .....	<u>9,691,336</u>	<u>1,260,224</u>	<u>10,951,560</u>
(c) Regulation Program .....			974,640
Teacher Certification and Accreditation .....	227,000		

## SOURCE OF FUNDS:

(1) ASETF .....	227,000		
(2) Federal and Local Funds ....		<u>747,640</u>	
Total Regulation Program .....	<u>227,000</u>	<u>747,640</u>	<u>974,640</u>
(d) Administrative Services Program .....			9,912,665

The proposed spending plan for the above is as follows:

Compact for Education ...	29,000
Operations & Maintenance of Department .....	2,300,000
Telephone Revolving Fund .....	1,200,000

## SOURCE OF FUNDS:

(1) ASETF .....	3,529,000		
(2) Federal and Local Funds ....		<u>6,383,665</u>	
Total Administrative Services Program .....	<u>3,529,000</u>	<u>6,383,665</u>	<u>9,912,665</u>

The above appropriation shall include a transfer to the State Personnel Department of \$67,905.

(e) Adult Education Program ...			4,351,706
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The proposed spending plan for the above is as follows:

Adult Basic Education ...	1,000,000
Community Education ...	96,000

## SOURCE OF FUNDS:

(1) ASETF .....	1,096,000		
(2) Federal and Local Funds ....		<u>3,255,706</u>	
Total Adult Education Program .	<u>1,096,000</u>	<u>3,255,706</u>	<u>4,351,706</u>
(f) Support of State Universities Program .....			256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds ....	<u>256,833</u>	
Total Support of State Universities Program .....	<u>256,833</u>	<u>256,833</u>

(g) Projects-Vocation Rehabilitation/Crippled Children Services Program .....		4,324,007
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....	<u>4,324,007</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program ....	<u>4,324,007</u>	<u>4,324,007</u>

(h) Disability Determination for Social Security Program .....		8,336,401
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....	<u>8,336,401</u>	
Total Disability Determination for Social Security Program .....	<u>8,336,401</u>	<u>8,336,401</u>

(i) Skill Enhancement and Employment Opportunities Program .....		8,181,221
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....	<u>8,181,221</u>	
Total Skill Enhancement and Employment Opportunities Program .....	<u>8,181,221</u>	<u>8,181,221</u>

(j) Support of Other Educational Activities .....		10,000
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The proposed spending plan for the above is as follows:

Education of Dependents of Blind Parents .....	10,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>10,000</u>	
Total Support of Other Educational Activities .....	<u>10,000</u>	<u>10,000</u>

For reimbursement of every State Institution of Higher Learning, College, University, or Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(k) Emergency Medical Services Education Program .....	1,225,000
To be distributed by the Department of Education as follows:	
(1) West Alabama Emergency Medical Services, Inc. .	204,167
(2) Birmingham Regional Emergency Medical System .....	204,167
(3) North Alabama Emergency Medical Services, Inc. .	204,166
(4) Southeast Alabama Emergency Medical Services System, Inc. ....	208,167
(5) East Alabama Emergency Medical Services, Inc. .	204,166
(6) Southwest Alabama Emergency Medical Services Council, Inc. ....	204,167

The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,225,000</u>		
Total Emergency Medical Services Education Program .....	<u>1,225,000</u>		<u>1,225,000</u>
(1) Direct Client Services for the Handicapped .....			41,550,140
Crippled Children Services Program .....	4,300,000	3,058,200	7,358,200
Hemophilia Program .....	300,000		300,000
Homebound Program .....	2,600,000		2,600,000
Rehabilitation Services Program	6,420,000	24,871,940	31,291,940

## SOURCE OF FUNDS:

(1) ASETF .....	13,620,000		
(2) Federal and Local Funds ....		<u>27,930,140</u>	
Total Health Services .....	<u>13,620,000</u>	<u>27,930,140</u>	<u>41,550,140</u>

Total Department of Education

## SOURCE OF FUNDS:

(1) ASETF .....	31,059,186
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(2) Federal and Local Funds . . . .		<u>66,659,153</u>	
Grand Total Department of Education . . . . .	<u>31,059,186</u>	<u>66,659,153</u>	<u>97,718,339</u>
6. Employees Insurance, State ..			405,500
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>405,400</u>		
Total State Employees Insurance	<u>405,400</u>		<u>405,400</u>
7. Employees Retirement, State .			200,332
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>200,332</u>		
Total State Employees Retirement	<u>200,332</u>		<u>200,332</u>
8. Examiners of Public Accounts			
(a) Legislative Support-Audit Services Program . . . . .			1,061,017
For purposes of auditing all phases of public education.			
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>1,061,017</u>		
Total Examiners of Public Accounts . . . . .	<u>1,061,017</u>		<u>1,061,017</u>
9. Fine Arts, Alabama School of			
(a) Fine Arts Program . . . . .			985,000
SOURCE OF FUNDS:			
(1) ASETF . . . . .	900,000		
(2) Federal and Local Funds . . . .		<u>85,000</u>	
Total Alabama School of Fine Arts	<u>900,000</u>	<u>85,000</u>	<u>985,000</u>
10. Firefighters' Personnel Standards and Education Commission, Alabama			
(a) Professional and Occupational Licensing & Regulation Program . . . . .			135,325
The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$196.			
SOURCE OF FUNDS:			
(1) ASETF . . . . .	<u>135,325</u>		

Total Alabama Firefighters' Personnel Standards and Education Commission .....	135,325		135,325
11. Health, Department of Public			
(a) Health Support Services Program .....			500,000
For immunization of preschool children and students and for public school food sanitation.			
(b) Personal Health Improvement Program .....			750,000
Provided however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.			
SOURCE OF FUNDS:			
(1) ASETF .....	1,250,000		
Total Department of Public Health	1,250,000		1,250,000
12. Higher Education, Commission on			
(a) Planning & Coordination Services Program .....			905,272
(b) Alabama Student Assistance Program .....			1,818,607
(c) Alabama Student Grant Program .....			3,000,000
SOURCE OF FUNDS:			
(1) ASETF .....	4,443,867		
(2) Federal and Local Funds ....		1,280,012	
Total Commission on Higher Education .....	4,443,867	1,280,012	5,723,879
The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978 Second Special Session.			
13. Industrial Development Training Institute, Alabama			

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(a) Industrial Training Program 1,660,000

SOURCE OF FUNDS:

(1) ASETF .....	1,600,000		
(2) Federal and Local Funds ....		60,000	
Total Alabama Industrial Development Training Institute ....	1,600,000	60,000	1,660,000

14. Junior College School System

(a) Academic Instruction and Institutional Support Program 71,496,956

SOURCE OF FUNDS:

(1) ASETF .....	44,745,763		
(2) Federal and Local Funds ....		10,235,056	
(3) State Funds .....		846,012	
(4) Other Funds .....		10,900,045	
(5) Auxiliary Enterprises .....		4,770,080	
Total Junior College School System .....	44,745,763	26,751,193	71,496,956

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1979-80 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1979-1980 academic year in accordance with the number of quarter hours attempted within the departments. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

## 15. Law Institute, Alabama

(a) Support of Other Educational Activities Program .....	211,000
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>211,000</u>	
Total Alabama Law Institute ....	<u>211,000</u>	<u>211,000</u>

## 16. Legislature

(a) House and Senate Operations and Support Program .....	2,000,000
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>2,000,000</u>	
Total Legislature .....	<u>2,000,000</u>	<u>2,000,000</u>

## 17. Library Service, Public

(a) Public Library Service Program .....	4,159,162
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The appropriation to the Public Library Service shall include a transfer to the State Personnel Department of \$2,700.

## SOURCE OF FUNDS:

(1) ASETF .....	3,000,000		
(2) Federal and Local Funds ....		<u>1,159,162</u>	
Total Public Library Service ....	<u>3,000,000</u>	<u>1,159,162</u>	<u>4,159,162</u>

## 18. Marine Environmental Sciences Consortium

(a) Support of Other Educational Activities Program .....	652,353
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## SOURCE OF FUNDS:

(1) ASETF .....	512,000		
(2) Federal and Local Funds ....		<u>140,353</u>	
Total Marine Environmental Sciences Consortium .....	<u>512,000</u>	<u>140,353</u>	<u>652,353</u>

## 19. Medical Scholarships Awards, Boards of

(a) Support of Other Educational Activities Program .....	711,000
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>711,000</u>	
Total Board of Medical Scholarships Awards .....	<u>711,000</u>	<u>711,000</u>

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(To be expended under the provisions of Act No. 663, 1977 Regular Session.)

20. Minimum Program and Public School Fund

(a) Financial Assistance Program 479,126,245

SOURCE OF FUNDS:

(1) ASETF .....	450,449,760	
(2) Public School Fund .....		24,000,000
(3) Local Funds .....		<u>4,676,485</u>

Total Minimum Program and Public School Fund .....	<u>450,449,760</u>	<u>28,676,485</u>	<u>479,126,245</u>
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The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1980-81 is based on 24,395 teacher units.

It is provided in the event there are more than 24,395 earned teacher units for the fiscal year 1980-81, then such amounts necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,826.35 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715.

21. Board of Education

(a) Financial Assistance Program 247,660,508

SOURCE OF FUNDS:

(1) ASETF .....

247,660,508	
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Total Board of Education .....	247,660,508	247,660,508
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- (a) To be distributed by State Board of Education for:

Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers ..... 15,500,000

Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative supervisory unit, full time support employee, and adult school bus drivers.

- (b) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

- (c) Support Personnel Sick Leave ..... 1,000,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

- (d) Teachers Personal Leave ..... 1,000,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

- (e) Funds to Replace Fees ..... 10,637,550

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III and Title IV teachers and ESAA teachers).

- (f) Maintenance ..... 6,000,000

- (g) Continuation of funds previously granted for Special Education ..... 28,140,268

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$28,140,268 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, and \$25,000 shall be allocated to Project Independence in Coffee County, Alabama. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

(h) Kindergarten teacher  
units ..... 19,048,111

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(i) Driver Education .. 8,818,570

The above appropriation is for 500 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(j) Supportive teacher  
units ..... 30,723,898

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (k). The above appropriation is for 1,742 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(k) Continuation of Teacher Units  
to reduce pupil-teacher ration in  
grades 1-6 ..... 11,464,141

The above appropriation is for 650 teacher units and includes

salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum program.

(1) Special Education 58,120,705

The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital outlay, and transportation at the same rate as provided in the Minimum Program.

(m) Vocational teacher units ..... 53,317,265

The appropriation herein above for Vocational Education shall be disbursed or obligated in accordance with rules and regulations approved by the State Board of Education upon the recommendation of the State Superintendent.

22. Nursing, Alabama Board of

(a) Professional and Occupational Licensing and Regulation Program ..... 607,000

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$540.

#### SOURCE OF FUNDS:

(1) ASETF—as provided in Act No. 68, 1977 Special Session, Scholarships for Graduate Nurses ..	57,000		
(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended .....		550,000	
Total Alabama Board of Nursing	57,000	550,000	607,000

23. Peace Officers Standards and Training Commission, Alabama

(a) Professional and Occupational Licensing and Regulation Program ..... 80,000

(b) Certified Law Enforcement Academy Programs ..... 252,500

Jacksonville State University ..... 50,500

University of Alabama ... 50,500



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James H. Faulkner Jr. Col. 50,500  
Troy St. Univ. Montgomery 50,500  
Craig AFB ..... 50,500

The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) ASETF .....	332,500	
Total Alabama Peace Officers Standards and Training Commission .....	332,500	332,500

24. Physical Fitness, Commission on

(a) Advisory Services Program ..		76,000
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The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$196.

SOURCE OF FUNDS:

(1) ASETF .....	76,000	
Total Commission on Physical Fitness .....	76,000	76,000

25. Postsecondary Vocational-Technical Education System

(a) Instructional and Institutional Support Program .....		49,358,228
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SOURCE OF FUNDS:

(1) ASETF .....	36,776,035	
(2) Federal and Local Funds ....	1,042,332	
(3) State Funds .....	563,944	
(4) Other Funds .....	7,691,145	
(5) Auxiliary Enterprises .....	3,284,772	
Total Postsecondary Vocational-Technical Education System ..	36,776,035	12,582,193 49,358,228

For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division;

(7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville).

Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

#### 26. Social Security (ASETF SHARE)

(a) For State's share of Social Security, Estimated .....	69,400,000
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(Includes payment to MICA)

#### SOURCE OF FUNDS:

(1) ASETF .....	<u>69,400,000</u>	
Total Social Security .....	<u>69,400,000</u>	<u>69,400,000</u>

#### 27. Teachers' Retirement System of Alabama

(a) Retirement Systems Program, Estimated .....	170,073,900
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#### SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System .....	161,313,900	
(2) ASETF-Teachers' Special Pension Fund .....	<u>8,760,000</u>	
Total Retirement Systems Program (State's Share) .....	<u>170,073,900</u>	<u>170,073,900</u>

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

#### 28. Tenure Commission, State

(a) Regulation Program .....	9,000
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#### SOURCE OF FUNDS:

(1) ASETF .....	<u>9,000</u>
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Total State Tenure Commission .	9,000	9,000
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29. Television Commission, Education

(a) Educational TV Services Program .....		2,555,000
(b) Public Radio Services Program		176,000

SOURCE OF FUNDS:

(1) ASETF .....	2,100,000		
(2) Federal and Local Funds ....		631,000	
Total Education Television Commission .....	2,100,000	631,000	2,731,000

30. Unemployment Compensation		175,000
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SOURCE OF FUNDS:

(1) ASETF .....	1,750,000		
Total Unemployment Compensation .....	1,750,000	1,750,000	

31. Veterans Education Benefits

(a) Administration of Veterans Affairs Program .....		1,300,000
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SOURCE OF FUNDS:

(1) ASETF .....	1,300,000		
Total Veterans Education Benefits	1,300,000	1,300,000	

The above appropriation includes prorata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

32. Youth Services, Department of

(a) Youth Services Program .....		8,859,755
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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,787.

SOURCE OF FUNDS:

(1) ASETF .....	7,839,835		
(2) Federal and Local Funds ....		1,019,920	

Total Department of Youth Services .....	<u>7,839,835</u>	<u>1,019,920</u>	<u>8,859,755</u>
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(To be expended in accordance with Act No. 816, 1973 Regular Session.)

### 33. Study Commission, Alabama Education

(a) Advisory Services Program ..			189,000
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#### SOURCE OF FUNDS:

(1) ASETF .....	<u>189,000</u>		
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Total Alabama Education Study Commission .....	<u>189,000</u>		<u>189,000</u>
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(To be used for educational studies in accordance with Act No. 15, 1969 Special Session.)

#### Section 4.

### A. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES

#### 1. American Legion and Auxiliary Scholarships

(a) Support of Other Educational Activities Program .....			4,700
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#### SOURCE OF FUNDS:

(1) ASETF .....	<u>4,700</u>		
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Total American Legion and Auxiliary Scholarships .....	<u>4,700</u>		<u>4,700</u>
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(To be expended under the provisions of Act No. 676, 1978 Regular Session.)

#### 2. Environmental quality Association, Alabama

(a) Environmental Education Program .....			175,000
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#### SOURCE OF FUNDS:

(1) ASETF .....	<u>175,000</u>		
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Total Alabama Environmental Quality Association .....	<u>175,000</u>		<u>175,000</u>
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#### 3. Opportunities Industrialization Centers

(a) Skills Enhancement and Employment Opportunities Program .....			175,000
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SOURCE OF FUNDS:

(1) ASETF .....	175,000	
Total Opportunities Industrializa- tion Centers .....	175,000	175,000
4. Sickie Cell Association, Inc., East Alabama		
(a) Sickie Cell Education Program		30,000

SOURCE OF FUNDS:

(1) ASETF .....	30,000	
Total East Alabama Sickie Cell As- sociation .....	30,000	30,000
5. Sylacauga Nurses Training School		
(a) Support of Other Educational Activities Program .....		58,000

SOURCE OF FUNDS:

(1) ASETF .....	58,000	
Total Sylacauga Nurses Training School .....	58,000	58,000

Section 5. Colleges, Universities  
and Schools

I. BOARD OF TRUSTEES OF  
UNIVERSITY OF ALABAMA

A. The University

1. Operations and Maintenance .	36,297,905	28,190,591	64,488,496
2. Research, Extension and Public Service .....	2,074,456	218,487	2,292,943
3. Emergency Medical Services .	141,533	92,632	234,165
4. Center for Emotionally Dis- turbed Children .....	533,215	472,652	1,005,867
5. Nursing Scholarships .....	18,000		18,000
6. School of Mines .....	1,161,814	927,610	2,089,424
7. Family Practice Center .....	839,736	641,096	1,480,832
8. Alabama Museum of Natural History .....	167,273	44,164	211,437
9. College of Community Health Services Medical Education ...	2,440,008	1,260,000	3,700,008
10. Vocational Teacher Training	381,442	182,158	563,600
11. Cooperative University Upper Division Program .....	217,004	75,000	292,004
12. Rural Infant Stimulation En- vironment Program .....	140,465	63,429	203,894

13. High Risk Nursery .....	113,226		113,226
14. Safe State Program .....	173,923		173,923
15. College of Education .....	200,000		200,000
16. Auxiliary Enterprises .....		<u>18,742,893</u>	<u>18,742,893</u>

## SOURCE OF FUNDS:

(1) ASETF .....	44,900,000		
(2) Other Funds .....		<u>50,910,712</u>	
Total University of Alabama ....	<u>44,900,000</u>	<u>50,910,712</u>	<u>95,810,712</u>

## B. University of Alabama in Birmingham

1. University College .....	15,583,842	12,437,344	28,021,186
2. School of Public and Allied Health .....	2,347,460	1,956,364	4,303,824
3. Regional Technical Institute ..	1,956,990	402,465	2,359,455
4. Joint Health Sciences .....	3,051,326	1,432,456	4,483,782
5. Student Nurses Loans .....	12,000		12,000
6. Nursing Scholarships .....	88,400		88,400
7. School of Nursing .....	3,407,980	2,375,206	5,783,186
8. Center for Labor Education and Research .....	285,196		285,196
9. Urban Research and Public Service .....	328,604		328,604
10. School of Medicine .....	17,605,115	45,971,958	63,577,073
11. School of Optometry .....	2,258,777	1,829,134	4,087,911
12. School of Dentistry .....	7,677,297	9,310,026	16,987,323
13. System Medical Education Program .....	529,440		529,440
14. Family and Other Primary Care Residency Program .....	1,705,271		1,705,271

The above appropriation shall be expended for residency programs as follows:

Anniston .....	268,654		
East End .....	268,654		
Jefferson County .....	268,655		
Montgomery .....	268,654		
Selma .....	362,000		
Gadsden .....	268,654		
15. Montgomery Internal Medicine .....	258,147		258,147
16. University Hospital .....	6,268,638	104,192,236	110,460,874

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17. Department of Pediatrics . . . .	334,022		334,022
18. Health-Related Research and Public Service . . . . .	3,036,903		3,036,903
19. Emergency Medical Training	173,392		173,392
20. Hypertension Research . . . . .	420,600		420,600
21. Multipurpose Arthritis Center	420,600		420,600
22. Medical Genetics Program . .	200,000		200,000
23. Special Mental Health . . . . .		3,222,284	3,222,284
24. Center for Developmental and Learning Disorders . . . . .		544,707	544,707
25. Auxiliary Enterprises . . . . .		<u>6,675,000</u>	<u>6,675,000</u>

**SOURCE OF FUNDS:**

(1) ASETF . . . . .	67,950,000		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds . . . . .		<u>186,582,189</u>	

Total University of Alabama in Birmingham . . . . .	<u>67,950,000</u>	<u>190,349,180</u>	<u>268,299,180</u>
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**C. University of Alabama in  
Huntsville**

1. Operations and Maintenance .	6,721,621	6,235,320	12,956,941
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research . . . . .	50,000		50,000
4. School of Primary Medical Care	2,898,401	405,133	3,303,534
5. Community Medicine Rural Preceptorship Program . . . . .	30,000		30,000
6. Johnson Environmental and En- ergy Center . . . . .	287,541	1,489,765	1,777,306
7. Ambulatory Care Center . . . . .	681,773	739,623	1,421,396
8. School of Nursing . . . . .	894,247	272,521	1,166,768
9. Paramedic Training . . . . .	131,910		131,910
10. Alabama Solar Energy Center	286,507		286,507
11. Auxiliary Enterprises . . . . .		<u>1,405,801</u>	<u>1,405,801</u>

**SOURCE OF FUNDS:**

(1) ASETF . . . . .	12,000,000		
(2) Other Funds . . . . .		<u>10,548,163</u>	

Total University of Alabama in Huntsville . . . . .	<u>12,000,000</u>	<u>10,548,163</u>	<u>22,548,163</u>
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**II. BOARD OF TRUSTEES OF  
ALABAMA A & M UNIVER-  
SITY**

**A. Alabama A & M University**

1. Operations and Maintenance .	9,175,000	11,475,698	20,650,698
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2. Vocational Teacher Training .	275,000		275,000
3. Auxiliary Enterprises .....		<u>3,483,602</u>	<u>3,483,602</u>

## SOURCE OF FUNDS:

(1) ASETF .....	9,450,000		
(2) Other Funds .....		<u>14,959,300</u>	
Total Alabama A & M University	<u>9,450,000</u>	<u>14,959,300</u>	<u>24,409,300</u>

III. BOARD OF TRUSTEES OF  
ALABAMA STATE UNIVERSITY

## A. Alabama State University

1. Operations and Maintenance .	8,100,000	4,006,200	12,106,200
2. Auxiliary Enterprises .....		<u>3,428,130</u>	<u>3,428,130</u>

## SOURCE OF FUNDS:

(1) ASETF .....	8,100,000		
(2) Other Funds .....		<u>7,434,330</u>	
Total Alabama State University .	<u>8,100,000</u>	<u>7,434,330</u>	<u>15,534,330</u>

## IV. STATE BOARD OF EDUCATION

## A. Athens State College

1. Operations and Maintenance .	1,620,000	1,396,954	3,016,954
2. Auxiliary Enterprises .....		<u>336,925</u>	<u>336,925</u>

## SOURCE OF FUNDS:

(1) ASETF .....	1,620,000		
(2) Other Funds .....		<u>1,733,879</u>	
Total Athens State College .....	<u>1,620,000</u>	<u>1,733,879</u>	<u>3,353,879</u>

V. BOARD OF TRUSTEES OF  
AUBURN UNIVERSITY

## A. Auburn University

1. Operations and Maintenance .	39,902,614	30,344,666	70,247,280
2. School of Nursing .....	425,000		425,000
3. Educational Television .....	376,712		376,712
4. Center for Vocational and Adult Education .....	535,000		535,000
5. Clinical Psychology .....	117,700		117,700
6. Engineering Experiment Station .....	896,054		896,054
7. Public Service, Research and Extension .....	386,120		386,120



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8. Energy Research .....	275,800		275,800
9. Food Animal Health & Disease Research .....	200,000		200,000
10. Auxiliary Enterprises .....		<u>21,926,138</u>	<u>21,926,138</u>

**SOURCE OF FUNDS:**

(1) ASETF .....	43,115,000		
(2) Other .....		<u>52,270,804</u>	
Total Auburn University .....	<u>43,115,000</u>	<u>52,270,804</u>	<u>95,385,804</u>

**B. Agricultural Experiment Station**

1. Operations and Maintenance .	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>
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**SOURCE OF FUNDS:**

(1) ASETF .....	8,300,000		
(2) Other .....		<u>9,220,328</u>	
Total Agricultural Experiment Station .....	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>

**C. Cooperative Extension Service**

1. Operations and Maintenance .	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>
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**SOURCE OF FUNDS:**

(1) ASETF .....	10,257,000		
(2) Other .....		<u>9,611,536</u>	
Total Cooperative Extension Ser- vice .....	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>

**D. Auburn University at Montgomery**

1. Operations and Maintenance .	6,211,932	4,601,761	10,813,693
2. Montgomery Area Community Health Sciences Institute .....	52,068		52,068
3. Public Service, Research and Extension (Center for Govern- ment and Public Affairs) .....	163,500	32,037	195,537
4. School of Nursing .....	272,500	3,010	275,510
5. Auxiliary Enterprises .....		<u>1,289,206</u>	<u>1,289,206</u>

**SOURCE OF FUNDS:**

(1) ASETF .....	6,700,000		
(2) Other .....		<u>5,926,014</u>	
Total Auburn University at Montgomery .....	<u>6,700,000</u>	<u>5,926,014</u>	<u>12,626,014</u>

VI. BOARD OF TRUSTEES OF  
JACKSONVILLE STATE UNI-  
VERSITY

## A. Jacksonville State University

1. Operations and Maintenance .	11,797,000	3,915,183	15,712,183
2. Gadsden Program .....	485,000	110,000	595,000
3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Devel- opment Center for East Central Alabama .....	100,000		100,000
5. Vocational Teacher Training .	100,000		100,000
6. Auxiliary Enterprises .....		<u>1,375,000</u>	<u>1,375,000</u>

## SOURCE OF FUNDS:

(1) ASETF .....	12,500,000		
(2) Other .....		<u>5,400,183</u>	
Total Jacksonville State Univer- sity .....	<u>12,500,000</u>	<u>5,400,183</u>	<u>17,900,183</u>

VII. BOARD OF TRUSTEES OF  
LIVINGSTON STATE UNI-  
VERSITY:

## A. Livingston State University

1. Operations and Maintenance .	3,882,000	750,129	4,632,129
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,179,309</u>	<u>1,179,309</u>

## SOURCE OF FUNDS:

(1) ASETF .....	3,900,000		
(2) Other .....		<u>1,929,438</u>	
Total Livingston State University	<u>3,900,000</u>	<u>1,929,438</u>	<u>5,829,438</u>

VIII. BOARD OF TRUSTEES OF  
UNIVERSITY OF MON-  
TEVALLO:

## A. University of Montevallo

1. Operations and Maintenance .	6,115,443	3,058,288	9,173,731
2. School for Aphasic Children ..	223,399	16,000	239,399
3. Highway Safety Program ....	140,799		140,799
4. Communication Center .....	20,359	65,000	85,359
5. Auxiliary Enterprises .....		<u>2,459,750</u>	<u>2,459,750</u>

## SOURCE OF FUNDS:

(1) ASETF .....	6,500,000		
(2) Other Funds .....		<u>5,599,038</u>	
Total University of Montevallo ..	<u>6,500,000</u>	<u>5,599,038</u>	<u>12,099,038</u>

IX. BOARD OF TRUSTEES OF  
UNIVERSITY OF NORTH  
ALABAMA:

A. University of North Alabama

1. Operations and Maintenance .	7,932,000	2,904,210	10,836,210
2. Nursing School Scholarships .	18,000		18,000
3. Auxiliary Enterprises .....		<u>2,939,575</u>	<u>2,939,575</u>

SOURCE OF FUNDS:

(1) ASETF .....	7,950,000		
(2) Other .....		<u>5,843,785</u>	
Total University of North Alabama .....	<u>7,950,000</u>	<u>5,843,785</u>	<u>13,793,785</u>

X. BOARD OF TRUSTEES OF  
SOUTH ALABAMA

A. University of South Alabama

1. Operations and Maintenance .	11,824,547	8,233,978	20,058,525
2. Medical Research and Public Service .....	362,128		362,128

(Includes Statewide Medical Education, Ambulatory Care, Human and Clinical Nutrition Program and Reproductive Health Sciences Center.)

3. Family Practice Residency Program .....	577,000		577,000
4. College of Medicine .....	9,000,000	7,046,456	16,046,456
5. Medical Center Hospital .....	1,677,427	28,544,510	30,221,937
6. Newborn Growth and Development Program .....	80,000		80,000
7. Division of Allied Health .....	700,000	101,946	801,946
8. School of Nursing .....	600,000	199,166	799,166
9. Nursing Scholarships .....	18,000	5,550	23,550
10. Research, Public Service and Extension .....	91,398	33,583	124,981
11. Paramedic Training Program	137,500	58,075	195,575
12. Basic Medical Sciences .....	250,000		250,000
13. Birth Defect Genetic Center .	220,000		220,000
14. Auxiliary Enterprises .....		<u>3,770,970</u>	<u>3,770,970</u>

SOURCE OF FUNDS:

(1) ASETF .....	25,538,000		
(2) Other .....		<u>47,994,234</u>	
Total University of South Alabama	<u>25,538,000</u>	<u>47,994,234</u>	<u>73,532,234</u>

XI. BOARD OF TRUSTEES OF  
TROY STATE UNIVERSITY:

1. Operations and Maintenance at Troy .....	7,248,000	4,280,000	11,528,000
2. Operations and Maintenance at Ft. Rucker/Dothan .....	975,000	1,152,462	2,127,462
3. Operations and Maintenance in Montgomery .....	250,000	1,478,680	1,728,680
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	56,000	495,000	551,000
6. School of Nursing—Montgomery .....	250,000	18,000	268,000
7. Branch Campus at Phenix City	85,000	390,000	475,000
8. Auxiliary Enterprises .....		<u>3,587,707</u>	<u>3,587,707</u>

## SOURCE OF FUNDS:

(1) ASETF .....	8,900,000		
(2) Other .....		<u>11,401,849</u>	
Total Troy State University .....	<u>8,900,000</u>	<u>11,401,849</u>	<u>20,301,849</u>

XII. BOARD OF TRUSTEES FOR  
ALABAMA INSTITUTE FOR  
DEAF AND BLIND:

## A. Alabama Institute for Deaf and Blind

1. Operations and Maintenance .	5,125,760	2,314,000	7,439,760
B. Department of Adult Blind and Deaf			
1. Special Technical Facility ....	1,187,769	2,388,916	3,576,685
2. Industries for the Blind .....	<u>486,471</u>	<u>7,586,230</u>	<u>8,072,701</u>

## SOURCE OF FUNDS:

(1) ASETF .....	6,800,000		
(2) Other .....		<u>12,289,146</u>	
Total Alabama Institute for Deaf & Blind .....	<u>6,800,000</u>	<u>12,289,146</u>	<u>19,089,146</u>

## Section 6. Governor's Education Program

To State Department of Education—Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program, and Liability Insurance .....	2,000,000		
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Section 7.

A. OTHER EDUCATIONAL APPROPRIATIONS:

(1) Trenholm State Technical College ..... 125,000

For Emergency Medical Services Program.

(2) University of South Alabama ..... 415,000

For unreimbursable losses caused by Hurricane Frederic.

(3) Mobile County Board of Education ..... 450,000

For unreimbursable losses caused by Hurricane Frederic.

Section 8.

A. SPECIAL MENTAL HEALTH FUND:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

B. PUBLIC SCHOOL FUND:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents of each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 9. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by any governor, department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

SECTION 10. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

SECTION 11. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 12. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

SECTION 13. This Act shall become effective on October 1, 1980.

and requested a Committee on Conference.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Hall	Little	Proctor
Barron	Harrison	Miller	St. John
Denton	Higginbotham	Mitchem	Smith
Goodwin	Holmes	Parsons	Vacca
Gulledge	Keener	Pearson	Weeks

—19

Nays: —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Higginbotham, Proctor and Pearson.

#### LOCAL BILLS ON THIRD READING

The Bill:

H. 909. To amend further section 40-20-2 of the Code of Alabama 1975 relating to severance taxes on the production of oil and gas so as to provide further for the rate of such taxes on the production of oil and gas from certain wells in the smackover formation.

was taken up.

Mr. Callahan offered the following substitute for the Bill, H. B. 909, to-wit:

#### SUBSTITUTE FOR H. B. 909

#### A BILL TO BE ENTITLED AN ACT

To amend Section 40-20-2 of the Code of Alabama 1975, so as to further provide for the severance tax on the production of oil and gas.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-20-2 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 40-20-2.

"(a) There is hereby levied, to be collected hereafter, as herein provided, annual privilege taxes upon every person engaging or continuing to engage within the state of Alabama in the business of producing or severing oil or gas, as defined herein, from the soil or the waters, or from beneath the soil or the waters, of the state for sale, transport, storage, profit or for use. The amount of such tax shall be measured at the rate of six percent of the gross value of said oil or gas at the point of production. All wells producing less than 26 barrels of oil per day shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production. All wells that come into production after September 1, 1979, shall be taxed at the rate of four percent of the gross value of said oil or gas at the point of production for a period of 10 years after production begins. Ten years after production begins, such tax shall then be imposed at the rate of six percent on such wells that go into production after September 1, 1979; provided, that said additional increase shall be limited to those oil and gas wells from between 15,000 and 15,800 feet in the smackover formation.

"(b) The tax is hereby levied upon the basis of the entire production in this state, including what is known as the royalty interest, on which production the amount of such tax shall be a lien, regardless of the place of sale or to whom sold, or by whom used, or the fact that the delivery may be made to points outside the state; and the tax shall accrue at the time such oil or gas is severed from the soil or the waters, or from beneath the soil or the waters, and in its natural, unrefined or unmanufactured condition.

"(c) A county, city, town or municipality of the state of Alabama shall not establish, levy, impose or collect, as a condition of doing business or otherwise, any tax, fee, license or charge whatsoever, directly or indirectly, on or with respect to the production, treating, processing, ownership, sale, storage, purchase, marketing or transportation on any oil or gas produced in the state of Alabama and on which severance taxes have been paid to the state of Alabama, or upon the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas, or upon the ownership, operation or maintenance of plants, facilities, machinery, pipelines, gathering lines or any equipment whatsoever, which are, or may be, necessary or convenient to the production, treating, processing, ownership, storage, sale, purchase, marketing or transportation of such oil or gas; provided, that nothing herein shall be construed to prohibit, limit or restrict a county, city, town or municipality from imposing and collecting ad valorem taxes on any property, real or personal, not otherwise now exempted by law; further, the limitation herein imposed upon counties, cities, towns and municipalities shall not apply to any county, city, town or municipality which does not receive a share of the severance tax under the provisions of this article.

"(d) Nothing contained herein shall be deemed to limit or to enlarge the authority of a county, city, town or municipality to levy taxes or licenses on oil refining facilities located therein or on the suppliers of services or goods not including oil or gas to those persons engaging in the business of producing, treating, processing, owning, selling, buying, storing, marketing or transporting such oil or gas. Any person who is a royalty owner shall be exempt from the payment of any increase in taxes herein levied and shall not be liable therefor.

"(e) The privilege tax herein levied shall be absorbed and paid by those persons engaged in the business of producing or severing oil or gas only, and the producer shall not pass on the costs of such tax payments, either directly or indirectly, to the consumer, it being the express intent of this section that the tax herein levied shall be borne exclusively by the producer or severer of oil or gas."

"(e) In all cases of production of oil from unit operations as authorized and approved by the state oil and gas board of Alabama, for purposes of computing the per well production aforesaid, the aggregate production of oil from the entire unit shall be divided by the number of wells within the unit, including injection, disposal and other wells utilized in unit operations, and the quotient thereof shall be deemed and declared to be the number of barrels of oil produced from each well in such unit regardless of the actual amount of oil per day produced from the well, if any."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Miller	Smith	
Bailey	Gulledge	Mitchem	Taylor	
Barron	Holmes	Parsons	Teague	
Callahan	Kirkland	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
Denton	Martin	St. John	White	
Figures	McDonald			—25

*Nays:* —0

And said Bill, H. B. 909, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 3.

*Yeas:*

Messrs.:	Glass	Miller	Smith	
Bailey	Gulledge	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Callahan	Kirkland	Pearson	Vacca	
Cook	Little	Proctor	Weeks	
Denton	Martin	St. John	White	
Figures	McDonald			—25

*Nays:* Messrs.: Barron, Hall, Harrison. —3

The Bill:

H. 1001. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

was read a third time at length as required by the Constitution and passed.



REGULAR SESSION  
29th Day

1833

Yeas 25; Nays 3.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor
Bailey	Glass	Little	Smith
Britnell	Goodwin	McDonald	Teague
Callahan	Gulledge	Mitchem	Vacca
Clemon	Higginbotham	Parsons	Weeks
Cook	Holmes	Pearson	White
Denton	Keener		

—25

*Nays:* Messrs.: Barron, Hall, Harrison. —3

The Bill:

H. 967. To amend and re-enact Act No. 79-574, H. 995, 1979 Regular Session (Acts 1979, p. 1022), entitled, "An Act Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county," to provide further for said personnel board.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	St. John
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

*Nays:* —0

The Bill:

H. 73. Relating to Tuscaloosa County and any city located therein; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Goodwin	McDonald	Teague
Britnell	Hall	Miller	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
deGraffenried	Lemaster		

—25

*Nays:* —0

The Bill:

H. 395. Relating to Jackson County; to provide further for an annual salary for the chairman of the County Commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 637. Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members, providing for supplemental effect, and providing for its effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 795. Relating to Walker County; to provide for the City of Parrish in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

was read a third time at length and passed.

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1835

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John
Bailey	Figures	Martin	Taylor
Barron	Glass	Miller	Teague
Britnell	Goodwin	Parsons	Vacca
Callahan	Hall	Pearson	Weeks
Clemon	Holmes	Proctor	White
Cook	Keener		
			—25

*Nays:* —0

The Bill:

H. 820. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Proctor
Bailey	Glass	McDonald	St. John
Britnell	Hall	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
Clemon	Keener	Parsons	Teague
Cook	Lemaster	Pearson	Weeks
Denton	Little		
			—25

*Nays:* —0

The Bill:

H. 821. To repeal Act No. 269, H. 1107, 1977 Regular Session (Acts of 1977, p. 372) providing for the alteration and rearrangement of the boundary lines of the City of Daleville, Dale County, Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Keener	Proctor
Bailey	Glass	Kirkland	St. John
Britnell	Goodwin	Little	Smith
Callahan	Gulledge	Martin	Taylor
Clemon	Hall	Miller	Teague
Cook	Harrison	Parsons	Weeks
Denton	Holmes		
			—25

*Nays:* —0

The Bill:

H. 860. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Goodwin	McDonald	Teague	
Bitnell	Gulledge	Mitchem	Vacca	
Clemon	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

Nays:

—0

The Bill:

H. 871. Relating to Madison County, Alabama; to amend Act No. 488, H. 706, Regular Session 1978 (Acts, p. 530) so as to provide that any person released from jail under Section 1 of Act 488 shall pay to the County a sum equal to 25% of his or her gross earnings earned while so released.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	McDonald	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays:

—0

The Bill:

H. 872. Relating to Madison County, Alabama; to provide arrest powers for personnel of the Madison County Work Release and Pre-Trial Release Commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Proctor	
Bailey	Figures	Little	Smith	
Barron	Glass	McDonald	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Clemon	Holmes	Pearson	White	
Cook	Keener			—25

Nays:

—0

REGULAR SESSION  
29th Day

1837

The Bill:

H. 922. Relating to Houston County; to provide an expense allowance for the judge of probate and the revenue commissioner of said county.  
was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	St. John
Bailey	Glass	Martin	Smith
Britnell	Hall	Miller	Taylor
Callahan	Holmes	Parsons	Vacca
Clemon	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Lemaster		

—25

Nays: —0

The Bill:

H. 960. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Cowarts, in Houston County.  
was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Britnell	Hall	Parsons	Teague
Callahan	Holmes	Pearson	Vacca
Clemon	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 977. Relating to Jackson County; to allow the county commission to contribute a certain amount of public funds to certain rescue squads in the county and to establish a county board of directors to qualify such squads to receive such contributions.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Clemon	Keener	Pearson	Vacca
Cook	Lemaster	Proctor	Weeks
Denton	Little	St. John	White
Figures	McDonald		

—25

Nays: —0

## The Bill:

H. 1008. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.  
was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Denton	Little	Proctor	
Bailey	Figures	Martin	St. John	
Barron	Glass	McDonald	Smith	
Britnell	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Weeks	
Clemon	Kirkland	Parsons	White	
Cook	Lemaster			—25

Nays: —0

## The Bill:

H. 1014. Relating to selling and redeeming lands for taxes in Walker County, Alabama.  
was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

Nays: —0

## The Bill:

H. 1017. (Acts of 1973, p. 1098) as amended, "To revise and reenact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees.'"; so as to transfer \$150 per month from the law enforcement fund to the district attorney's funds in such counties.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Denton	Martin	St. John	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Clemon	Keener	Proctor	White	
Cook	Little			—25

Nays: —0

REGULAR SESSION  
29th Day

1839

The Bill:

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1018, to-wit:

SENATE LOCAL LEGISLATION NO. 1 COMMITTEE  
AMENDMENT TO H. B. 1018

Amend House Bill 1018 on page 2 by deleting lines 27-33 in their entirety and renumbering the remaining sections.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John
Bailey	Figures	Martin	Taylor
Barron	Glass	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Proctor	White
Cook	Lemaster		
			—25

*Nays:* —0

And said Bill, H. B. 1018, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	St. John
Bailey	Figures	Martin	Taylor
Barron	Glass	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Clemon	Keener	Proctor	White
Cook	Lemaster		
			—25

*Nays:* —0

The Bill:

H. 1021. Relating to Macon County; providing an annual expense allowance for the judge of the district court; and giving this act retroactive effect to October 1, 1979.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor	
Bailey	Figures	Lemaster	St. John	
Barron	Glass	Little	Smith	
Britnell	Gulledge	Martin	Taylor	
Callahan	Hall	Miller	Teague	
Clemon	Holmes	Parsons	Weeks	
Cook	Keener			—25

*Nays:* —0

The Bill:

H. 1053. Relating to Jackson County; to amend Act 79-473, Regular Session 1979 (Acts 1979, p. 873) which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes, so as to distribute certain moneys to the Jackson County Hospital Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Clemon	Keener	Proctor	Weeks	
Cook	Lemaster	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1047. Relating to Chilton County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Clemon	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 1054. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

was read a third time at length and passed.



REGULAR SESSION  
29th Day

1841

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Parsons	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Clemon	Keener	St. John	White
Cook	Lemaster		

—25

*Nays:* —0

On motion of Mr. White, the Rules were suspended and the Bill:

H. 488. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration or to knowingly assist in the preparation of false claims; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

was taken up.

And said Bill, H. B. 488, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Proctor
Barron	Hall	Little	St. John
Britnell	Harrison	Martin	Taylor
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	White
Denton			

—20

*Nays:* —0

Mr. Proctor moved that the Senate reconsider the vote by which the Bill, H. B. 488, was passed.

On motion of Mr. White, the motion to reconsider was laid on the table.

The Bill:

H. 1089. Relating to Bullock County; providing further for an expense allowance for the county commissioners.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Lemaster	Proctor
Bailey	Figures	Little	St. John
Barron	Glass	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Holmes	Miller	Teague
Clemon	Keener	Parsons	Weeks
Cook	Kirkland		

—25

*Nays:* —0

The Bill:

H. 1097. Relating to Russell County; providing further for the compensation of the tax collector.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Parsons	Teague
Britnell	Higginbotham	Pearson	Vacca
Clemon	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

*Nays:*

—0

The Bill:

H. 1098. Relating to Russell County; amending further Act No. 925, H. 1333, 1969 Regular Session (Acts 1969, p. 1663), which established a law library, so as to provide further for the expenditure of library funds.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	Smith
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Higginbotham	Proctor	Weeks
Clemon	Keener	St. John	White
Cook	Little		

—25

*Nays:*

—0

The Bill:

H. 1100. Relating to Russell County; to provide that the county commission may authorize a salary supplement for the county district attorney.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith
Bailey	Figures	Martin	Taylor
Barron	Glass	Miller	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Higginbotham	Proctor	Weeks
Clemon	Keener	St. John	White
Cook	Kirkland		

—25

*Nays:*

—0

REGULAR SESSION  
29th Day

1843

The Bill:

H. 1015. Relating to Walker County: To amend Sections 3, 4, 9 and 10 and repeal Sections 8, 11 and 12 of Act 356, S. 502, 1971 Regular Session approved August 19, 1971 (Acts 1971, p. 652) as amended, which provides for the construction, maintenance and repair of public roads and bridges in Walker County, so as to earmark ninety five percent of all revenue received by the Walker County Commission from the coal severance tax provided for in Act No. 598 H. 643, 1977 Regular Session (Acts 1977 p. 799) for use and the maintenance in construction of roads in Walker County effective October 1, 1978; so as to provide funds in the County road and bridge fund equally among the commission districts of the county; and, so as to make certain powers vested in the county engineer, subject to the approval of a majority of the members of the County Commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	St. John
Bailey	Figures	Little	Taylor
Barron	Glass	Martin	Teague
Britnell	Goodwin	Miller	Vacca
Callahan	Hall	Parsons	Weeks
Clemon	Holmes	Proctor	White
Cook	Keener		

—25

Nays: —0

The Bill:

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1016, to-wit:

COMMITTEE AMENDMENT TO H. B. 1016

On page 1, between lines 28 and 29 insert a new Section 2 to read as follows:

Section 2. None of the provisions of this act shall be deemed to have any retroactive effect.

On page 1, line 29, renumber Section 2 to become Section 3.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

And said Bill, H. B. 1016, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Clemon	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 851. Relating to Tuscaloosa County; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Keener	Proctor	Weeks	
Cook	Little	St. John	White	
deGraffenried	Martin			—25

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

REGULAR SESSION  
29th Day

1845

By Rep. Amari:

H. J. R. 305. DESIGNATING ACT NO. 79-485 AS THE BENNETT AMENDMENT AND ACT NO. 80-375 AS THE BENNETT ACT.

WHEREAS, State Rep. Jim Bennett of Homewood has for the past two years fought hard to bring about increased local support for education, and

WHEREAS, he has brought to the attention of both the legislative and executive branches of government in a forceful way the growing imbalance between state and local revenues for the support of public schools, and

WHEREAS, while Alabama ranks in the top five states in state level school effort it ranks in the bottom five in local support, and

WHEREAS, Rep. Bennett successfully passed H. B. 653 during the 1979 Regular Session, a constitutional amendment later ratified by voters statewide, allowing local school districts to increase school millage another three mills, and

WHEREAS, Rep. Bennett was also successful in passing H. B. 41 during the 1980 Regular Session which requires local school districts to increase local contributions from seven mills to the equivalent of 10; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 79-485 of the 1979 Legislature is hereby designated as "the Bennett Amendment" and Act No. 80-375 of the 1980 Legislature is hereby designated as "the Bennett Act."

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to Rep. Bennett with our deep appreciation for a job well done.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 305, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Robertson, the Senate non-concurred in the following House amendment to the Bill, S. B. 558, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR S. B. 558

A BILL  
TO BE ENTITLED  
AN ACT

To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 1 of Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), is hereby amended to read as follows:

"Section 1. The following officers of Cullman County shall receive the following annual salaries in lieu of all other compensation ('compensation' for purposes of this Act shall mean any compensation, expense allowances, fees, commissions, percentages or other emoluments of any nature whatsoever):

"(a) Sheriff .....	\$19,000
"(b) Probate Judge .....	\$18,500
"(c) Chairman, County Commission .....	\$18,500
"(d) Associate Commissioners .....	\$ 7,250
"(e) Tax Assessor .....	\$16,500
"(f) Tax Collector .....	\$16,500
"(g) Coroner .....	\$ 4,500

"Provided, however, the above officers shall continue to receive any additional expense allowances granted by Acts of the 1978 and 1979 legislative sessions."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

and requested a Committee on Conference.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Martin	St. John
Bailey	Figures	Miller	Taylor
Barron	Glass	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Clemon	Keener	Proctor	White
Cook	Little		

—25

Nays:

—0

REGULAR SESSION  
29th Day

1847

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. St. John, Robertson and Gullledge.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

Also:

S. 573. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Also:

S. 598. Relating to Coosa County; providing a monthly expense allowance for the county coroner.

JOHN W. PEMBERTON,  
Clerk.

MOTION TO RECESS LOST

At 2:30 P.M., Mr. Goodwin moved that the Senate take a recess at 6:30 P.M., this evening until 8:15 P.M. this evening, which motion was lost.

Yeas 11; Nays 13.

Yeas:

Messrs.:	Britnell	Holmes	Miller
Bailey	Goodwin	Keener	Mitchem
Barron	Higginbotham	Martin	Vacca

—11

Nays:

Messrs.:	Harrison	McDonald	Weeks
Cook	Kirkland	Proctor	White
deGraffenried	Lemaster	Robertson	
Hall	Little		

—13

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind

paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Proctor, the Senate non-concurred in the following House amendment to the Bill, S. B. 540, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. B. 540

#### A BILL TO BE ENTITLED AN ACT

To provide a 16% increase in the state compensation payable to certain personnel in public education.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a 16% salary increase in the state salary paid to the education personnel enumerated in Section 2 of this act. Such increase is intended to be based exclusively on the base state salary paid to such personnel during fiscal year 1978-79. By this act the legislature directs that the aforesaid 16% increase for fiscal year 1980-81 be paid from funds incorporated in and appropriated by the education appropriations act (pending S. B. 315) for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1981; it is not the intent of this act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the state board of education for disbursement to the local school systems, the technical, junior, and community colleges, the board of the Alabama Institute for Deaf and Blind, and the board of the Department of Youth Services, the funds necessary to grant a 16% increase in the amount of the base state salary paid to the below named education personnel; allocation shall be based on the following:

(a) State base salary payable during the 1978-79 fiscal year to teacher units funded by the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors at the Alabama Institute for Deaf and Blind and in the Department of Youth Services.

(b) State base salary payable during the 1978-79 fiscal year to full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems and at the Alabama Institute for Deaf and Blind.

All full-time support personnel, except lunchroom and cafeteria personnel, shall be authorized a full 16% salary increase to be distributed according to a schedule adopted by the state board of education.



It is the intent of the legislature that local boards of education shall not decrease lunchroom workers salaries below the amount paid in 1979-80 and shall increase the salaries of all cafeteria and lunchroom workers a full 16%. This increase shall be paid by the local boards of education.

(c) State base salary payable during the 1978-79 fiscal year to all full-time instructors, librarians, counselors, and such other full-time personnel as designated by the state board of education who are employed in the technical, junior and community colleges.

Section 3. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by any governor, department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 4. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

and requested a Committee on Conference.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Proctor
Barron	Hall	Lemaster	St. John
Britnell	Harrison	Little	Smith
Cook	Higginbotham	Miller	Taylor
deGraffenried	Holmes	Mitchem	Weeks
Denton	Keener	Parsons	White
Goodwin			

—24

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Proctor, St. John and Pearson.

#### BILLS ON THIRD READING RESUMED

The hour of 3 o'clock P.M. having arrived, in accordance with motion adopted on the Twenty-Seventh Legislative Day, the Bill:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

was again taken up.

And said Bill, H. B. 244, as amended, was read a third time at length and passed.

Yeas 16; Nays 15.

*Yeas:*

Messrs.:	Harrison	Mitchem	Robertson	
Clemon	Holmes	Parsons	St. John	
Denton	Keener	Pearson	Teague	
Figures	Kirkland	Proctor		—16
Hall				

*Nays:*

Messrs.:	Cook	Little	Taylor	
Bailey	Goodwin	Martin	Vacca	
Barron	Gulledge	McDonald	Weeks	
Callahan	Higginbotham	Miller	White	—15

Mr. Keener moved that the Senate reconsider the vote by which the Bill, H. B. 244, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

## RESOLUTION

Mr. Cook offered the following Senate Resolution, to-wit:

S. R. 211. FOR CONSIDERATION OF THE RECOMMITMENT OF H. B. 630.

BE IT RESOLVED BY THE SENATE OF THE STATE OF ALABAMA That the Chairman of the Governmental Affairs Committee be requested to present H. B. 630 to the floor of the Senate for recommitment.

Which was read and referred to the Standing Committee on Rules.

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 200. To propose an amendment to the Constitution of this State validating certain general acts of local application on a population basis and providing the method for amending such acts.

Also:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Also:

S. 360. To amend Section 36-30-2, Code of Alabama 1975, which compensates survivors of firemen and peace officers killed in the line of duty, so as to extend the eligibility period.

Also:

S. 433. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee person to receive the tax notice.

Also:

S. 486. Relating to Jefferson County; further regulating the duties and authority of the judge of probate in said county so as to require that certain forms be made available in the office of the judge of probate for the use of all persons and parties in interest; prescribing that upon request clerks in the said office shall give assistance in completing such forms, and repealing any law in conflict with the provisions of this Act.

Also:

S. 286. To enact into law the "Alabama Energy Management and Conservation Act of 1980"; to make a legislative finding that the development, management and efficient use of energy resources requires a comprehensive and coordinated effort on the part of the state; to create an Alabama Department of Energy within the executive branch to be administered by a director to be appointed by the Governor; to prescribe the Department's duties which are to formulate a state energy policy, to report regularly to the Governor and annually to the legislature, to inventory the state's energy requirements and supplies, to formulate a state energy management program, to formulate an energy emergency plan, to monitor and/or administer energy related programs, to serve as an energy information clearinghouse, to keep proprietary information confidential, to administer educational and training programs, to review state government energy practices, to assist state institutions when applying for energy related contracts, to review the state's revenue-producing practices for their impact on energy use and development, to provide for research, to receive federal and private funds, to enter into contracts, and to promulgate rules requiring the submission of energy related information, and to ensure energy conservation in state government, and to establish advisory groups; to create an Energy Advisory Council for purposes of evaluating state energy policy and advising the department; to provide for the assumption of the Energy Management Boards' funds and contract; to provide for funding through appropriations from the general fund; and to prescribe sanctions for persons violating the provisions of the act.

Also:

S. 502. To provide for a supplemental salary for the District Attorney of the Thirtieth Judicial Circuit, to be paid by St. Clair County and to fix the amount and method of payment thereof; and to provide for retroactive effect.

Also:

S. 503. Relating to Madison County; to provide that any person who taught in more than one school system for a period in excess of thirty years, and who contributed to the Teachers' Retirement System and who drew retirement benefits prior to being appointed or elected to any elected office in Madison County, shall be entitled to continue receiving retirement benefits from the Teachers' Retirement System while serving as an elected official; providing retroactive payments for eligible persons.

Also:

S. 595. Relating to Jackson County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

Also:

S. J. R. 182. COMMENDING DECA OF ENTERPRISE HIGH SCHOOL, ALABAMA CHAPTER OF THE YEAR.

Also:

S. J. R. 183. COMMENDING MAYOR L. FRANK SAWYER FOR MERITORIOUS SERVICE TO THE CITY OF NEW BROCKTON.

Also:

S. J. R. 184. MOURNING THE DEATH OF MR. WILLIAM MARVIN LEWIS, JR., OF COTTONWOOD, HOUSTON COUNTY, ALABAMA.

Also:

S. J. R. 185. WISHING COACH RALPH "SHUG" JORDAN ALL GOOD WISHES FOR A SPEEDY AND COMPLETE RECOVERY.

Also:

S. J. R. 189. COMMENDING THE AUBURN UNIVERSITY SOIL JUDGING TEAM FOR AN UNPRECEDENTED THIRD NATIONAL CHAMPIONSHIP.

Also:

S. J. R. 195. COMMENDING THOSE INDIVIDUALS AND COMPANIES WHO RENDERED EXTRAORDINARY SERVICE IN CONNECTION WITH DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Joint Resolutions, your signature thereto is requested.

H. J. R. 208. TO MAKE APPLICATION TO THE CONGRESS OF THE UNITED STATES OF AMERICA TO CALL A CONSTITUTIONAL CONVENTION FOR THE SOLE AND EXCLUSIVE PURPOSE OF PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED

STATES OF AMERICA TO PROVIDE THAT UNLESS ADOPTED AS LAW BY THE CONGRESS, FEDERAL RULES AND REGULATIONS ADOPTED BY AN ADMINISTRATIVE BODY OR AN OFFICIAL IN THE EXECUTIVE BRANCH OF THE UNITED STATES GOVERNMENT SHALL NOT BE THE SUPREME LAW OF THE LAND AND SHALL NOT BE SUPERIOR IN EFFECT TO ANY STATE LAWS OR PROVISIONS OF STATE CONSTITUTIONS.

Also:

H. J. R. 283. COMMENDING HONORABLE JOE C. McCORQUODALE, JR., CHAIRMAN, AND ALL OTHER MEMBERS OF THE GOVERNOR'S FOREST DISASTER RECOVERY COUNCIL FOR DISASTER RELIEF WORK IN THE AFTERMATH OF HURRICANE FREDERIC AND THE HONORABLE FOB JAMES, GOVERNOR, FOR NAMING SAID COUNCIL.

Also:

H. J. R. 284. DIRECTING THE ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD TO FORTHWITH CEASE ISSUING BEER, WINE OR LIQUOR LICENSES TO CERTAIN ALIEN RESIDENTS.

Also:

H. J. R. 293. APPROPRIATING FUNDS TO THE CONTINUING SELECT JOINT COMMITTEE TO STUDY THE RISING COST TO THE STATE OF THE MEDICAID PROGRAMS ESTABLISHED BY ACT NO. 79-816 OF THE 1979 REGULAR SESSION OF THE LEGISLATURE.

Also:

H. J. R. 298. DECLARING MISS TERESA PARKER TO BE OF ITALIAN DESCENT.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### REPORTS OF COMMITTEES

Mr. Clemon, Chairman of the Standing Committee on Judiciary, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McKee:

H. 618. To amend Section 20-2-93, Code of Alabama, 1975, relating to forfeitures & seizures connected with violations of the Uniform Alabama Controlled Substances Act, by amending Section 20-2-93 to include money, negotiable instruments, or any other property in the list of things being subject to forfeiture if used or intended to be used in the sale or receipt of controlled substances.

By Rep. Sasser:

H. 201. To amend Section 12-16-122 of the Code of Alabama 1975 so as to change the present jury strike system to a one strike system.

By Rep. Manley:

H. 157. A bill to prohibit pyramid sales transactions and to specify penalties for violations thereof.

By Rep. Lewis:

H. 4. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

By Rep. Gafford:

H. 686. To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Bennett:

H. 741. To amend Sections 43-3-10 and 43-3-12 of the Code of Alabama 1975, so as to further provide for the descent and distribution of property of persons dying intestate.

By Reps. Carothers, Ray, Williams and Grimsley:

H. 682. To amend Section 35-11-210 of the Code of Alabama 1975, which declares and sets forth the mechanics and materialmen's lien, so as to include land surveying, engineering services and architectural services under the provisions of this lien statute and to remove the limitation on the extent in area to which it applies.

Mr. Smith, Chairman of the Standing Committee on Governmental Affairs, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Venable:

H. 782. To amend Sections 36-26-6 and 36-26-27 of the Code of Alabama 1975 so as to further prescribe hearing procedures for the dismissal and disciplining of state employees when such actions are initiated by the appointing authority.

By Rep. Seibels:

H. 521. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Jefferson County.

The above bill was read a second time at length as required by the Constitution.

Mr. Holmes, Chairman of the Standing Committee on Local Legislative No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Mitchell (with notice and proof):

H. 74. Relating to Tuscaloosa County; to provide further for the salaries of the coroner and deputy coroner; and to provide for an expense allowance for the coroner.

By Reps. McMillan and Penry (with notice and proof):

H. 565. Relating to Baldwin County; authorizing the county governing body to employ highway personnel and to purchase or lease equipment and materials and to contract therefor for the construction, maintenance and repair of public roads, bridges and ferries, and to provide for the payment therefor, the "captive" county status of Baldwin County notwithstanding.

By Rep. Harvey (with notice and proof):

H. 947. Relating to Blount County; further providing for the costs and charges in criminal proceedings in any court of the county and repealing Act No. 406, H. 132, Regular Session 1975 (Acts 1975, p. 1005).

By Rep. Hines (with notice and proof):

H. 1026. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the Twenty-first Judicial Circuit of Alabama.

By Rep. Hines (with notice and proof):

H. 1027. Relating to Escambia County; to further provide for the compensation of the board of registrars.

By Rep. Hines (with notice and proof):

H. 1028. To amend Section 1 of Act No. 594, H. 991, Regular Session 1965 (Acts of Alabama 1965, p. 1115), so as to further provide for the compensation of the Escambia County board of equalization.

By Rep. Hines (with notice and proof):

H. 1029. Relating to Escambia County; providing further for the compensation of the chairman and members of the county commission.

By Rep. Hines (with notice and proof):

H. 1030. Relating to Escambia County; to provide for an expense allowance for the sheriff of the county.

By Rep. Hines (with notice and proof):

H. 1031. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

The above Bill was read a second time at length as required by the Constitution.

By Reps. Warren and McCorquodale (with notice and proof):

H. 1073. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437) entitled "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

By Reps. Warren and McCorquodale (with notice and proof):

H. 1074. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435) entitled "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

By Rep. Zoghby (with notice and proof):

H. 685. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

The above Bill was read a second time at length as required by the Constitution.

By Rep. Harvey (with notice and proof):

H. 971. To authorize the Blount County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; and to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years.

By Reps. Stout and Rains (with notice and proof):

H. 1050. To repeal Act No. 79-346, H. B. 301, 1979 Regular Session of the Alabama Legislature, entitled, "An Act Relating to selling and redeeming lands for taxes in DeKalb County, Alabama."

By Rep. Barton (with notice and proof):

H. 1083. Relating to Tuscaloosa County; authorizing the county governing body and the governing bodies of municipalities in the county to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

By Rep. Smith (C) (with notice and proof):

H. 1101. Relating to Chilton County; providing for an additional expense allowance for the county treasurer.



By Rep. Dial (with notice and proof):

H. 1102. Relating to Cleburne County; providing further for the compensation of election officials.

By Reps. Holley and Ray (with notice and proof):

H. 1103. Relating to Coffee County; providing further for the establishment and composition of the county jury commission and repealing Act No. 571, S. 468, 1953 Regular Session (Acts 1953, p. 813).

By Rep. Reed (with notice and proof):

H. 1104. Relating to Macon County; increasing the salaries of the deputies sheriff and other employees of the sheriff's department.

By Rep. Kennedy (with notice and proof):

H. 1105. Relating to Mobile County; providing an election officers' school in each State Senate District.

By Rep. Moore (with notice and proof):

H. 1106. To repeal Act No. 250, H. 874 of the 1975 Regular Session (Acts 1975, p. 783), relating to Shelby County, entitled "An Act To prohibit the probate judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County."

By Reps. Barton, Johnson (Roy), and Mitchell (with notice and proof):

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary". Further, to repeal Section 27 of Act 328, H. 854 (Acts 1959, p. 907, Vol. 2) so as to delete the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department.

By Rep. Greer and Starkey (with notice and proof):

H. 1109. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

By Rep. Bowling (with notice and proof):

H. 1110. Relating to Winston County; to provide further for the compensation of the county jury commission.

By Rep. Daniels:

H. 1113. To repeal Act No. 260, H. 879, approved April 26, 1977, Regular Session 1977 (Acts 1977, p. 346), entitled "An Act Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education".

By Rep. Greer (with notice and proof):

H. 1114. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, (Acts 1979, p. 129) entitled "An Act Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto," so as to provide further for the duties of said commissioner.

By Rep. Cobb (with notice and proof):

H. 1115. Relating to Franklin County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

By Rep. Naramore (with notice and proof):

H. 1116. Relating to Walker County; amending Sections 5, 6, 7 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) relating to the county civil service system, so as to provide further for the appointment, compensation and duties of the Civil Service Board.

By Rep. Waggoner (with notice and proof):

H. 1117. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Rep. Waggoner (with notice and proof):

H. 1118. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

By Reps. Edwards and Grouby (with notice and proof):

H. 1119. To provide for the transfer of contributions and creditable service from Clerks and Registers Supernumerary Fund, State of Alabama, for the Clerk of the Circuit Court of Lowndes County, Alabama, should he so elect; to provide that the Clerk of the Circuit Court of Lowndes County, Alabama, if he so elects, may be exempt from the Clerks and Registers Supernumerary Fund, and such service as Clerk may be under the Employees' Retirement System of Alabama.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Reps. Starkey and Coburn (with notice and proof) (With Amendment):

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Greer (with notice and proof):

H. 1121. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92, Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk and providing for the retroactive effect.

By Rep. Naramore (with notice and proof):

H. 1122. Relating to Walker County; to provide for the City of Sumiton in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

By Rep. Daniels (with notice and proof):

H. 1123. Relating to Geneva County; to provide further for the salary and expense allowance of the superintendent of education.

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1124. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1125. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

By Reps. Harper (O) and Turnham (with notice and proof):

H. 1126. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

By Rep. Johnson (R.G.), Shoemaker, Dial and Moore (with notice and proof):

H. 1127. Relating to Talladega County; to provide further for the compensation of election officers.

By Rep. Johnson (R.G.) (with notice and proof):

H. 1128. Relating to Coosa County; providing for an additional allowance for election officials who work at polling places.

By Rep. Johnson (R.G.) (with notice and proof):

H. 1129. Relating to Coosa County; providing for the creation of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county.

By Rep. Johnson (R. G.) (with notice and proof):

H. 1130. Relating to Coosa County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

By Reps. Stout and Rains (with notice and proof):

H. 1131. To empower and direct the County Commission in DeKalb County to create a personnel system to govern all regular, full-time employees of the County Highway Department and such other class or classes of regular, full-time county employees as the County Commission shall determine; to establish the powers and duties of said County Commission in hiring, transferring, compensating, classifying, promoting, demoting, training and establishing rules of general conduct for such County employees; to direct the County Commission to establish a grievance procedure for all regular, full-time employees of the County Highway Department; to empower and direct said County Commission to establish a Personnel Review Board; to provide for the powers, duties, qualifications, and compensation of said Personnel Review Board.

By Reps. Stout and Rains (with notice and proof):

H. 1132. Relating to DeKalb County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of DeKalb County; and to prohibit the performance of certain work on private property and provide penalties for violations.

By Reps. Rains and Stout (with notice and proof):

H. 1133. To provide an expense allowance for the circuit court register in DeKalb County.

By Reps. Rains and Stout (with notice and proof):

H. 1134. Relating to DeKalb County to provide disbursement of funds received by DeKalb County paid in lieu of Taxes by the Tennessee Valley Authority; to provide for a custodian of such funds; to provide for investment and disbursement of such funds and to provide the method under which such disbursements shall occur.

By Reps. Rains and Stout (with notice and proof):

H. 1135. Relating to DeKalb County; to provide further for the powers and duties of the county commission.

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By Rep. Hammett (with notice and proof):

H. 1137. Relating to Covington County; to provide for a clerk to the tax assessor and a clerk to the tax collector; to provide for fixing the salaries of such clerks as the amount specified as the federal minimum wage; and provide for the method of payment of same.

By Rep. Hammett (with notice and proof):

H. 1138. Relating to Covington County; to provide that in lieu of the former arrangement of paying both monthly expense allowances, mileage and salary for the Covington County governing body, the monthly remuneration of each member of said county governing body shall instead be a salary of \$900.00 per month, payable out of the county treasury; to provide that Act No. 900, H. 1674 of the 1971 Regular Session (Acts 1971, p. 1663), providing for reimbursement of the members of the county governing body for expenses incurred outside of the county and in attending meetings in the performance of their duties shall not be repealed hereby; to repeal conflicting laws; and to provide for an effective date.

By Reps. Patton and Roberts (with notice and proof):

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

By Rep. Laird (with notice and proof):

H. 1140. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Mr. Holmes, Chairman of the Standing Committee on Local Legislative No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Owens (with notice and proof)(With Amendment):

H. 1143. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Rep. Harper (T) (with notice and proof):

H. 1144. To amend Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's Department and counties having populations of not less than 300,000 nor more than 500,000.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, has acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Seibels (with notice and proof) (With Amendment):

H. 520. Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become effective in the county unless the voters thereof approve the constitutional amendment; and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authorize bingo within Jefferson County.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Amari and Bennett (with notice and proof):

H. 546. To amend further Act No. 929, Section 676, Regular Session 1971 (Acts 1951, Page 1579), as extensively amended by act no. 1272, Section 620, Regular Session 1973 (Acts 1973, Page 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to allow participants therein to purchase credit for certain of their prior unclassified service with the city.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, with amendment, and it was read a second time and placed on the calendar, to-wit:

By Rep. Howard (with notice and proof)(With Amendment):

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

Mr. Vacca, Chairman of the Standing Committee on Local Legislation No. 2, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. Boles, et al: (with notice and proof):

H. 773. Relating to Jefferson County; providing further for the salary of the tax assessor.

By Reps. Bennett and Amari (with notice and proof):

H. 901. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1576, et seq.); and to provide that the amendments made by this Act to said Act No. 556 shall apply both prospectively and retroactively on and after May 2, 1978.

By Rep. Cabaniss (with notice and proof):

H. 931. To authorize and make provisions for the incorporation in any Class 1 municipality as so designated by Act No. 79-263 enacted at the 1979 Regular Session of the Legislature of Alabama (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority, its board of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling of any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, off-street parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, planetarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of Section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of Section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under Section 119 of the Housing and Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any

such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature.

By Rep. Bennett (with notice and proof):

H. 1085. Relating to Class I municipalities to limit the amount of claims made under municipally insured employee health care expense reimbursement programs in order to protect public monies.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said committee, in session, had acted on the following bills and ordered same returned to the Senate with a favorable report, and they were severally read a second time and placed on the calendar, to-wit:

By Rep. McKee:

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, *Lespedeza bicolor* and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

By Reps. Bennett, Sandusky, Lewis and Riddick:

H. 698. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of



Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

By Rep. Turnham:

H. 1004. To amend Section 34-8-22 of the Code of Alabama 1975 relating to the state licensing board for general contractors so as to further provide for the per diem of the members of the board.

Mr. Holmes, Chairman of the Standing Committee on Local Legislation No. 1, reported that said committee, in session, had acted on the following bill and ordered same returned to the Senate with a favorable report, and it was read a second time and placed on the calendar, to-wit:

By Reps. Langford, Wyatt, Dixon and McKee (with notice and proof):

H. 962. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same.

### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, which was the Bill:

H. 287. To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 40-23-4, Code of Alabama 1975, as amended, so as to remove the exemption for the gross proceeds of the lubricating oil and gasoline as defined in Sections 40-17-170 and 40-17-30, Code of Alabama, 1975, as amended, which are otherwise taxed, and to provide for further exemptions for such products sold to certain individuals over the age of 65, such products used for agricultural purposes, the gross proceeds for certain sales of ethyl alcohol and the ethyl alcohol portion of gasohol, the gross proceeds from the sales of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft; to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; to further amend Section 40-23-35, Code of Alabama 1975, so as to provide further for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975; to provide legislative intent that sells tax motor fuel and gasoline be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps and that the Department of Revenue promulgate rules, regulations and procedures to accomplish such intent.

The Standing Committee on Finance and Taxation reported the following substitute for the Bill H. B. 287, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 287

A BILL  
TO BE ENTITLED  
AN ACT

To impose a \$.04 per gallon tax on gasoline as defined in Section 40-17-30, Code of Alabama, 1975, to provide for the distribution and use of the gasoline tax revenues collected from the sale of gasoline, to provide for the Commissioner of Revenue to collect the tax and enforce provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Levy of Tax. There is hereby levied in addition to all other taxes to every kind now imposed by law an excise tax on gasoline of \$.04 per gallon, which shall be collected as herein provided.

(a) Every distributor, refiner, retail dealer, storer or user of gasoline shall collect and pay over to the State Department of Revenue an excise tax of \$.04 per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use of gasoline as defined or otherwise referred to in this bill, except gasoline sold for use as fuel to propel aircraft. Provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline shall have been paid to the state by a distributor, refiner or by any retail dealer, storer or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(b) The State Department of Revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the Department, for use by the United States in purchasing gasoline or other fuels taxed by this section within the State of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the Department may deduct the number of gallons of gasoline or other fuels taxed by this section sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report, and the Department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

(c) Gasoline or other fuel used to propel aircraft powered by reciprocating engines and any fuel used to propel aircraft powered by jet or turbine engines is expressly exempted from all provisions of this act.

Section 2. Administration of this act and collection of tax. The provisions of this act shall be administered and the tax herein levied shall be collected in accordance with Section 40-17-30; 40-17-32 through 40-17-37; 40-17-39 through 40-17-49; 40-17-52, Code of Alabama, 1975.

Section 3. Distribution of tax proceeds.

(a) Forty-five percent of the net tax proceeds is hereby allocated and appropriated for state highway purposes and as the state's share of the net tax proceeds. The said 45 percent of the net tax proceeds shall be covered into the state treasury to the credit of the public road and bridge fund and shall be disbursed as provided in this act.

(b) Fifty-five percent of the net tax proceeds is hereby allocated and appropriated to be used for highway purposes by the counties and municipalities. The said 55 percent of the net tax proceeds shall be covered into the state treasury and shall be disbursed and allocated as hereinafter provided in this section.

(1) A portion of the local subdivisions' share of the net tax proceeds that is equal to 25 percent of the net tax proceeds shall be allocated equally among the 67 counties of the state.

(2) The entire residue of the local subdivisions' share of the net tax proceeds, being an amount equal to 30 percent of the net tax proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1970 federal decennial census. The allocation provided for in this subsection shall be made on or prior to the tenth day of each month with respect to receipts of the highway gasoline tax by the state during the preceding month.

(3) The distributions provided for in this subsection shall be made monthly. The amounts allocated or apportioned to each county shall be disposed of as follows:

(a) Ten percent of the amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

(b) The remaining portion of the amount so allocated or apportioned to each county shall be distributed to the county with respect to which such allocation or apportionment is made.

(4) The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of Section 11-41-4. Any municipality incorporated after September 30, 1978 shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the highway gasoline tax by the state during October of the fiscal year next succeeding the said incorporation.

(5) When requested to do so by any municipality, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this division. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 4. Use of net tax proceeds for highway purposes. Wherever in this division any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(a) Where the use is by the highway department, such use shall, with the approval of the governor, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system;

(b) Where the use is by a county, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges as is now or may hereafter be provided by law;

(c) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways; provided, that no part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 5. The State Treasurer shall make all allocations of the revenue collections and shall make the distribution and payments thereof pursuant to such allocations provided for in this Act.

Section 6. All laws or parts of laws which conflict with this act are repealed.

Section 7. The provisions of this act are severable. If any part of the act is declared unconstitutional, such declaration shall not affect the parts which remain.

Section 8. This act shall become effective on the 1st day of August, 1980.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute for the Bill, H. B. 287, to-wit:

COMMITTEE AMENDMENT, NO. 1 TO  
SUBSTITUTE FOR H. B. 287

Amend H. B. 287, on Page 2, Section 1, (c), Line 13, following the word "propel" by inserting the following:

"railroad locomotives and other railroad equipment and"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

FINANCE & TAXATION COMMITTEE AMENDMENT NO. 2  
TO SUBSTITUTE, AS AMENDED, FOR H. B. 287

Amend House Bill 287, Page 2, Section 1, Sub-section (c), Line 14 after the word "engines" and before the word "is" by inserting the following:

"and gasoline or other motor fuel sold to be used for agricultural purposes"

Which was adopted.

The Standing Committee on Finance and Taxation then reported the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

FINANCE AND TAXATION COMMITTEE AMENDMENT NO. 3  
TO SUBSTITUTE, AS AMENDED, FOR H. B. 287

Amend House Bill 287, Page 2, Section 1(c), Line 13, following the word "engines" by inserting the following language:

"and gasoline or other fuel used to propel ships, vessels and barges"

Which was adopted.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 287

On page 1, in the Synopsis, line 10, delete the period and insert in lieu thereof:

and to provide that the provisions of this act will become void on August 1, 1984.

On page 1, in the Title, line 18, delete the period and insert in lieu thereof:

and to provide that the provisions of this act will become void on August 1, 1984.

On page 5, Section 8, line 13, delete the period and insert in lieu thereof:  
and will become null and void on August 1, 1984.

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 25; Nays 5.

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Goodwin	Miller	Smith
Britnell	Gulledge	Mitchem	Taylor
Callahan	Hall	Parsons	Teague
Cook	Higginbotham	Proctor	Vacca
deGraffenried	Keener	Robertson	White
Denton	Lemaster		

—25

*Nays:*

Messrs.:	Harrison	Kirkland	Little
Barron	Holmes		

—5

Mr. Harrison offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

## AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H.B. 287

On pages 2, 3, and 4 delete Section 3 in its entirety and substitute in lieu thereof the following:

Section 3. Distribution of tax proceeds.

All money received from the levying of the tax provided by this act shall be paid into the state general fund.

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 23; Nays 3.

*Yeas:*

Messrs.:	Denton	Kirkland	St. John
Bailey	Figures	Lemaster	Smith
Barron	Goodwin	Martin	Taylor
Cook	Hall	Miller	Teague
deGraffenried	Higginbotham	Mitchem	Vacca
	Keener	Proctor	Weeks

—23

*Nays:* Messrs. Harrison, Holmes and Little. —3

Mr. Callahan offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

AMENDMENT TO THE SUBSTITUTE AS  
AMENDED, FOR H. B. 287

On page 1, in the Synopsis, line 7 delete the amount \$.04, and insert in lieu thereof: \$.02

On page 1, in the Title, line 14, delete the amount \$.04, and insert in lieu thereof: \$.02

On page 1, in Section 1, line 22, delete the amount \$.04, and insert in lieu thereof: \$.02

On page 1, in Section 1(a), line 25 delete the following amount \$.04, and insert in lieu thereof: \$.02

On pages 2, 3 and 4, delete the entire Section 3 and insert the following language as a new Section 3:

Section 3. Distribution of Tax Proceeds.

All monies collected under the provisions of this Act shall be remitted to the State general fund.

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 21; Nays 8.

*Yeas:*

Messrs.:	Hibbinbotham	Miller	St. John
Britnell	Holmes	Mitchem	Taylor
Denton	Keener	Parsons	Teague
Goodwin	Lemaster	Proctor	Vacca
Gulledge	Little	Robertson	Weeks
Hall	Martin		

—21

*Nays:*

Messrs.:	Callahan	Glass	Smith
Bailey	deGraffenried	Harrison	White
Barron			

—8

Mr. Callahan then offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 287

On page 1, in the Synopsis, line 7 delete the amount \$.04, and insert in lieu thereof: \$.02

On page 1, in the Title, line 14, delete the amount \$.04, and insert in lieu thereof: \$.02

On page 1, in Section 1, line 22, delete the amount \$.04, and insert in lieu thereof: \$.02

On page 1, in Section 1(a), line 25 delete the following amount \$.04, and insert in lieu thereof: \$.02

On pages 2, 3, and 4, delete the entire Section 3 and insert the following language as a new Section 3:

Section 3. Distribution of Tax Proceeds.

All monies collected under the provisions of this Act shall be remitted to the Highway Trust Fund.

On motion of Mr. Teague, said amendment was laid on the table.

POINT OF PERSONAL PRIVILEGE

Mr. deGraffenried requested and received unanimous consent that the Journal show that, had he been present when the Bill, H. B. 244, was passed, he would have voted "Aye".

FURTHER CONSIDERATION OF H. B. 287

The Senate proceeded to further consideration of the Bill, H. B. 287. The question was on the Committee substitute, as amended.

Mr. Callahan offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

AMENDMENT TO SUBSTITUTE, AS  
AMENDED, FOR H. B. 287

On pages 2, 3 and 4, delete the entire Section 3 and insert in lieu thereof:

Section 3. Distribution of Proceeds. All monies collected under the provisions of this act shall be allocated among the 67 counties based on the per capita basis that each county has to the state as a whole, and all monies allocated to the 67 counties under the provisions of this act shall be distributed by such counties in accordance with the provisions of any local acts heretofore or hereafter enacted pertaining to the distribution of motor fuel taxes; in the absence of any such local act or acts pertaining to the distribution of motor fuel taxes, then such monies allocated to such counties shall be allocated by such county or counties between or among the governing body or bodies of the cities encompassed in such county or counties, and the governing body of such county or counties on the per capita basis.

On motion of Mr. Taylor, said amendment was laid on the table.

Yeas 20; Nays 9.

*Yeas:*

Messrs.:	Harrison	Little	Robertson
Bailey	Higginbotham	Martin	St. John
Britnell	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Teague
Goodwin	Lemaster	Proctor	Weeks
Gulledge			

—20

*Nays:*

Messrs.:	deGraffenried	Holmes	Smith
Barron	Glass	Parsons	White
Callahan	Hall		

—9

Mr. Barron offered the following substitute for the Committee substitute, as amended, for the Bill, H. B. 287, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 287

A BILL  
TO BE ENTITLED  
AN ACT

To impose a \$.02 per gallon tax on gasoline as defined in Section 40-17-30, Code of Alabama 1975; to provide for the distribution and use of such gasoline tax revenues collected from the sale of gasoline; to provide for the Commissioner of Revenue to collect the tax and enforce provisions of the act; and to authorize any county commission to levy by resolution an additional excise tax, not to exceed \$.02 per gallon, on gasoline with the revenues collected therefrom being deposited in the treasury of any such county.

Be It Enacted by the Legislature of Alabama:

Section 1. Levy of Tax. There is hereby levied in addition to all other taxes of every kind now imposed by law an excise tax on gasoline of \$.02 per gallon, which shall be collected as herein provided.

(a) Every distributor, refiner, retail dealer, storer or user of gasoline shall collect and pay over to the State Department of Revenue an excise tax of \$.02 per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use of gasoline as defined or otherwise referred to in this act, except gasoline sold for use as fuel to propel aircraft. Provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline shall have been paid to the state by a distributor, refiner or by any retail dealer, storer or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(b) The State Department of Revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed the department, for use by the United States in purchasing gasoline or other fuels taxed by this section within the state of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the



department may deduct the number of gallons of gasoline or other fuels taxed by this section sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report, and the department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

(c) Gasoline or other fuel used to propel aircraft powered by reciprocating engines and any fuel used to propel aircraft powered by jet or turbine engines is expressly exempted from all provisions of this act.

Section 2. The provisions of Section 1 of this act shall be administered and the tax levied in Section 1 hereinabove shall be collected in accordance with Sections 40-17-30, 40-17-32 through 40-17-37, 40-17-39 through 40-17-49, and 40-17-52, Code of Alabama 1975.

Section 3. The proceeds of the excise tax hereinabove imposed when collected, less the cost of collection, shall be deposited into the state treasury to the credit of the state highway department. All of the net tax proceeds from the gasoline tax herein imposed are allocated and appropriated to the state highway department for state highway purposes.

Section 4. Any law to the contrary notwithstanding, whether special, local or general, each county commission is authorized, upon passage of a resolution for the purpose, to levy an additional excise tax, not to exceed \$.02 per gallon, on the sale of gasoline, motor fuel and lubricating oil as defined in Sections 40-17-30 and 40-17-170 of the Code of Alabama 1975. Such taxes shall be collected in the same manner as other county taxes on like products. The net proceeds thereof shall be paid to the treasury of the respective county and shall be distributed in accordance with the provisions of the resolution levying the additional taxes. It is the intent that the tax shall be paid only once.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Section 2. The provisions of Section 1 of this act shall be administered and the tax levied in Section 1 hereinabove shall be collected in accordance with Sections 40-17-30, 40-17-32 through 40-17-37, 40-17-39 through 40-17-49, and 40-17-52, Code of Alabama 1975.

Section 3. The proceeds of the excise tax hereinabove imposed when collected, less the cost of collection, shall be deposited into the state treasury to the credit of the state highway department. All of the net tax proceeds from the gasoline tax herein imposed are allocated and appropriated to the state highway department for state highway purposes.

Section 4. Any law to the contrary notwithstanding, whether special, local or general, each county commission is authorized, upon passage of a resolution for the purpose, to levy an additional excise tax, not to exceed \$.02 per gallon, on the sale of gasoline, motor fuel and lubricating oil as defined in Sections 40-17-30 and 40-17-170 of the Code of Alabama 1975. Such taxes shall be collected in the same manner as other county taxes on like products.

The net proceeds thereof shall be paid to the treasury of the respective county and shall be distributed in accordance with the provisions of the resolution levying the additional taxes. It is the intent that the tax shall be paid only once.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Teague, said substitute was laid on the table.

Yeas 18; Nays 10.

*Yeas:*

Messrs.:	Gulledge	Lemaster	St. John	
Bailey	Higginbotham	Little	Taylor	
Britnell	Holmes	Martin	Teague	
Denton	Keener	Miller	Weeks	
Glass	Kirkland	Proctor		—18

*Nays:*

Messrs.:	Hall	Mitchem	Vacca	
Barron	Harrison	Pearson	White	
Callahan	McDonald	Smith		—10

Mr. Holmes offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

#### AMENDMENT TO SUBSTITUTE, AS AMENDED, FOR H. B. 287

Amend H.B. 287 as follows:

On page 2, on line 24 after the period insert the following:

Provided, however, of the revenue raised in each county to be paid into said state's share, 25% of said revenue shall be used within the respective revenue raising county for the construction of new highway projects of the continued building of present state highway projects. Said money shall not be used for the maintenance of existing highways.

On motion of Mr. Teague, said amendment was laid on the table.

Mr. Little offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

#### AMENDMENT TO COMMITTEE SUBSTITUTE AS AMENDED

Amend finance and taxation Comm. Sub for H. B. 287, as last amended, by striking out the figure \$.04 wherever it appears and in lieu thereof insert the following figure: \$.03

On motion of Mr. Teague, said amendment was laid on the table.

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Yeas 17; Nays 13.

*Yeas:*

Messrs.:	Hall	Mitchem	Teague
Cook	Keener	Parsons	Vacca
Denton	Lemaster	St. John	Weeks
Goodwin	Martin	Taylor	White
Gulledge	Miller		

—17

*Nays:*

Messrs.	Glass	Kirkland	Proctor
Barron	Harrison	Little	Smith
Britnell	Higginbotham	McDonald	
Callahan	Holmes		
deGraffenried			

—13

Mr. Little then offered the following amendment to the substitute, as amended, for the Bill, H. B. 287, to-wit:

AMENDMENT TO COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 287

Amend finance and taxation Committee Substitute for H. B. 287, as last amended by striking out the figure "\$.04" wherever it appears and in lieu thereof insert the following figure: \$.02

On motion of Mr. Teague, said amendment was laid on the table.

Yeas 18; Nays 12.

*Yeas:*

Messrs.:	Hall	Miller	Taylor
Cook	Higginbotham	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Goodwin	Lemaster	St. John	Weeks
Gulledge	Martin	Smith	

—18

*Nays:*

Messrs.:	deGraffenried	Holmes	Proctor
Bailey	Glass	Kirkland	Robertson
Barron	Harrison	Little	White
Callahan			

—12

Mr. Little then offered the following substitute for the Committee substitute, as amended, for the Bill, H. B. 287, to-wit:

SUBSTITUTE FOR COMMITTEE SUBSTITUTE,  
AS AMENDED, FOR H. B. 287

A BILL  
TO BE ENTITLED  
AN ACT

To provide for an additional \$.01 per gallon tax on the sale, use, consumption, distribution, storage or withdrawal from storage in this state of gasoline, motor fuels and lubricating oils, as those terms are defined by law,

which are used for the operation of any motor vehicles upon the state's highways; to impose vehicle-use fees for certain motor vehicles, to provide for the distribution of the proceeds of such taxes and fees, and to provide for penalties and restraints for violations of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. (a) In addition to every excise tax now levied by law, every distributor, storer, dealer, refiner, manufacturer or user, shall pay, except as otherwise herein provided, an excise tax of \$.01 per gallon upon the selling, using or consuming, distributing, storing or withdrawing from storage in this state of any motor fuel, gasoline or lubricating oil as those terms are defined in sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama 1975, for use in the operation of any motor vehicle upon the highways of this state; provided, that where the excise tax herein levied shall have been paid by one distributor or storer or user, such payment shall be sufficient, the intent being that the tax shall be paid but once; provided further, that motor fuel, gasoline or lubricating oil subject to the excise tax levied by this act shall not be subject to any other excise tax levied by the state.

(b) The amount of the proceeds of the tax collected on retail sales of motor fuel as defined in Section 40-17-1, Code of Alabama 1975, when collected, shall be deposited into the state treasury to the credit of the highway department to be used exclusively for highway purposes. The amount of the proceeds of the tax collected on retail sales of gasoline and lubricating oil as defined in Sections 40-17-30 and 40-17-170, Code of Alabama 1975, shall be distributed in the same manner as outlined in Sections 40-17-72 and 40-17-73, Code of Alabama 1975, as amended. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of the tax levied by Section 40-17-31, Code of Alabama 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this act; provided further, that the legislature may by general or local laws prescribe other distribution within counties to local governments.

(c) It is the intent of the legislature that the proceeds of the tax collected on retail sales of motor fuel, gasoline and lubricating oil under the provisions of this Act shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues; and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. These funds shall not be used for the purchase of equipment. These

funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 2. Within the meaning of this Act the following words and phrases shall have the following meaning:

(a) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and Rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(b) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches.

Section 3. In addition to any and all other fees, taxes and licenses heretofore imposed by law, there is hereby imposed on every motor vehicle in Alabama an annual fee to be known as the highway vehicle use fee. It shall be unlawful for any person to drive or operate any motor vehicle upon the streets or highways of this state without evidence of payment of the fee as imposed in this section. The owner of each motor vehicle of a classification listed herein that is otherwise licensed and registered in this state, shall pay the following annual highway vehicle-use fee to the state of Alabama.

Vehicle	Annual Fee
Automobile or pickup truck .....	\$ 12.00
Truck, single axle .....	28.00
Truck, tandem axle .....	60.00
Trailer, utility, single axle 1/4T type .....	10.00
Trailer, single axle, 1T type .....	15.00
Trailer, tandem axle .....	45.00
Motorcycle .....	8.00
Farm trucks .....	25.00
Forest products trucks .....	40.00
Taxis .....	15.00
Buses, single axle .....	25.00
Buses, tandem axle .....	60.00
Ambulances .....	25.00

Section 4. The commissioner of revenue, or his successor in office, by whatsoever name called, shall have full and continuing power to promulgate, from time to time, reasonable rules and regulations to implement the provisions of this act and especially governing the method of placement and

attachment of stickers, stamps, or other devices to be attached to motor vehicle as evidence of the payment of the fees imposed by this act. The commissioner of revenue shall also have full and continuing power to develop a system for issuing replacement stickers, stamps or other devices if said stickers, stamps or other devices are lost, stolen, mutilated or destroyed.

Section 5. (a) The commissioner of revenue is authorized to develop a uniform system to be used statewide of selling and issuing stickers, stamps or other devices as evidence of payment of the highway vehicle-use fee. The sale and issuance of the stickers, stamps or other devices shall be made at the same time and in the same manner and by the same issuing authorities as license plates are annually issued or renewed. In addition to all other fees received, the issuing authority shall receive an issuance fee of \$.25 on each sticker, stamp or other device issued by said issuing authority and said fee shall be disposed of the same as the issuance fee on license plates.

(b) If a motor vehicle is obtained during the fiscal year, the highway vehicle-use fee shall be prorated in the same manner as licensing, registration and taxation of vehicles is prorated.

Section 6. After payment of any and all expenses incurred, the proceeds from all fees and fines collected by the department of revenue under Section 5 of this act shall be deposited in the public road and bridge fund of the state. It is the legislative intent of this act that said proceeds shall be utilized exclusively for building, maintenance and repair of the roads and bridges in the state.

Section 7. Anyone violating the provisions of Sections 3 or 4 of this act shall be guilty of a misdemeanor and shall, upon conviction, be punished by fine not exceeding \$500.00 and, in addition thereto, shall be prohibited from driving a motor vehicle in Alabama for a period of not less than 60 days nor more than six months.

Section 8. The net proceeds derived from the highway vehicle-use tax imposed by Section 4 herein is hereby allocated and appropriated for state highway purposes and shall without delay be covered into the state treasury to the credit of the public road and bridge fund.

Section 9. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 10. The provisions of this act are cumulative and shall not be construed to repeal or supersede any laws or parts of laws not directly inconsistent herewith.

Section 11. The provisions of this act shall become effective October 1, 1980.

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 103. To provide that legislative appropriations to the University of Alabama in Birmingham and the University of South Alabama are for the

unrestricted support of the activities of the University and therefore insurance companies are prohibited from applying or taking into account in any manner any portion of those appropriations in determining reimbursement for patient care activities.

Also:

S. 573. To amend Section 41-9-450 of the Code of Alabama 1975, relating to the Sports Hall of Fame Board, so as to further provide for membership on the board.

Also:

S. 598. Relating to Coosa County; providing a monthly expense allowance for the county coroner.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 212. NAMING THE AUDITORIUM AT PATRICK HENRY STATE JUNIOR COLLEGE IN HONOR OF DR. JAMES D. NETTLES.

Which was adopted.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 73. Relating to Tuscaloosa County and any city located therein; to require the granting, under certain circumstances, of either overtime pay or compensatory leave to certain local law enforcement officers.

Also:

H. 395. Relating to Jackson County; to provide further for an annual salary for the chairman of the County Commission.

Also:

H. 637. Relating to Jackson County; providing further for the election of the county superintendent of education and members of the county board of education; prescribing certain residential qualifications for said superintendent and such members, providing for supplemental effect, and providing for its effective date.

Also:

H. 795. Relating to Walker County; to provide for the City of Parrish in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

H. 820. To alter or rearrange the boundary lines of the City of Daleville, Dale County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits, and also certain other territory in Dale County, Alabama.

Also:

H. 821. To repeal Act No. 269, H. 1107, 1977 Regular Session (Acts of 1977, p. 372) providing for the alteration and rearrangement of the boundary lines of the City of Daleville, Dale County, Alabama.

Also:

H. 860. Pertaining to Madison County; to repeal Act Number 84, S. 62, Fourth Special Session 1975 (Acts. p. 2728).

Also:

H. 871. Relating to Madison County, Alabama; to amend Act No. 488, H. 706, Regular Session 1978 (Acts, p. 530) so as to provide that any person released from jail under Section 1 of Act 488 shall pay to the County a sum equal to 25% of his or her gross earnings earned while so released.

Also:

H. 872. Relating to Madison County, Alabama; to provide arrest powers for personnel of the Madison County Work Release and Pre-Trial Release Commission.

Also:

H. 922. Relating to Houston County; to provide an expense allowance for the judge of probate and the revenue commissioner of said county.

Also:

H. 960. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Cowarts, in Houston County.

Also:

H. 967. To amend and re-enact Act No. 79-574, H. 995, 1979 Regular Session (Acts 1979, p. 1022), entitled, "An Act Relating to Cullman County; to establish a county personnel board; to provide for the appointment, and compensation of the members; and to provide for the powers, duties and authority of the personnel board in the personnel administration of the county," to provide further for said personnel board.

Also:

H. 977. Relating to Jackson County; to allow the county commission to contribute a certain amount of public funds to certain rescue squads in the county and to establish a county board of directors to qualify such squads to receive such contributions.



Also:

H. 1008. To extend, alter and rearrange the boundary lines and corporate limits of the Town of Lincoln, Talladega County, Alabama.

Also:

H. 1014. Relating to selling and redeeming lands for taxes in Walker County, Alabama.

Also:

H. 1017. (Acts of 1973, p. 1098) as amended, "To revise and reenact Act No. 1504, S. 1103, Regular Session 1971, (Acts 1971, page 2589, Vol IV), entitled 'Relating to counties having populations of not less than 55,500 nor more than 56,500 inhabitants according to the most recent federal decennial census, fixing the fee for issuance of a pistol permit by the sheriff, and providing for the disposition and use of such fees'"; so as to transfer \$150 per month from the law enforcement fund to the district attorney's fund in such counties.

Also:

H. 1021. Relating to Macon County; providing an annual expense allowance for the judge of the district court; and giving this act retroactive effect to October 1, 1979.

Also:

H. 1047. Relating to Chilton County; providing for an increase in court costs and providing for the disposition of the proceeds from the increase.

Also:

H. 1053. Relating to Jackson County; to amend Act 79-473, Regular Session 1979 (Acts 1979, p. 873) which pertains to the distribution of Tennessee Valley Authority payments in lieu of taxes, so as to distribute certain moneys to the Jackson County Hospital Board.

Also:

H. 1054. To alter, rearrange and extend the boundary lines and corporate limits of the municipality of Scottsboro in Jackson County.

Also:

H. 1001. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Madison County.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 266. To provide for the sale of non-resident commercial fishing licenses by the department of conservation and natural resources to the residents of certain other states and to require that the proceeds of such licenses be deposited in the game and fish fund of the department of conservation and natural resources.

Also:

H. 941. Relating to Bibb County; authorizing the Bibb County Commission to levy a county privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of tobacco and certain tobacco products in such county; providing for the collection and enforcement of the tax, and appropriating the proceeds therefrom.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 488. To make it a felony to falsify any claim or application for payment or benefits from Medical Services Administration or to knowingly assist in the preparation of false claims; to make it a felony to offer, pay, solicit or receive kickbacks, bribes or rebates for referring, furnishing, arranging, purchasing, leasing or ordering any good, item, service or facility for which any payment may be made by Medical Services Administration.

Also:

H. 851. Relating to Tuscaloosa County; to provide that if a defendant in a criminal case enters a written plea of not guilty prior to his arraignment, such plea shall constitute a waiver of his right to have an arraignment at which he is present in person or represented by an attorney.

Also:

H. 1015. Relating to Walker County: To amend Sections 3, 4, 9 and 10 and repeal Sections 8, 11 and 12 of Act 356, S. 502, 1971 Regular Session approved August 19, 1971 (Acts 1971, p. 652) as amended, which provides for the construction, maintenance and repair of public roads and bridges in Walker County, so as to earmark ninety five percent of all revenue received by the Walker County Commission from the coal severance tax provided for

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in Act No. 598 H. 643, 1977 Regular Session (Acts 1977 p. 799) for use and the maintenance in construction of roads in Walker County effective October 1, 1978; so as to provide funds in the County road and bridge fund equally among the commission districts of the county; and, so as to make certain powers vested in the county engineer, subject to the approval of a majority of the members of the County Commission.

Also:

H. 1089. Relating to Bullock County; providing further for an expense allowance for the county commissioners.

Also:

H. 1097. Relating to Russell County; providing further for the compensation of the tax collector.

Also:

H. 1098. Relating to Russell County; amending further Act No. 925, H. 1333, 1969 Regular Session (Acts 1969, p. 1663), which established a law library, so as to provide further for the expenditure of library funds.

Also:

H. 1100. Relating to Russell County; to provide that the county commission may authorize a salary supplement for the county district attorney.

Also:

H. J. R. 305. DESIGNATING ACT NO. 79-485 AS THE BENNETT AMENDMENT AND ACT NO. 80-375 AS THE BENNETT ACT.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

FURTHER CONSIDERATION OF H. B. 287

The Senate proceeded to further consideration of the Bill, H. B. 287. The question was on the Little substitute for the Committee substitute, as amended.

On motion of Mr. Cook, said substitute was laid on the table.

Yeas 19; Nays 7.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Callahan	Gulledge	Miller	Taylor
Cook	Hall	Mitchem	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Lemaster	St. John	Weeks

*Nays:*

Messrs.:  
Barron

Britnell  
Holmes

Kirkland  
Little

Robertson  
White

—7

Mr. White offered the following substitute for the Committee substitute, as amended, for the Bill, H. B. 287, to-wit:

SUBSTITUTE COMMITTEE SUBSTITUTE, AS  
AMENDED, FOR H. B. 287

A BILL  
TO BE ENTITLED  
AN ACT

To impose a \$.04 per gallon tax on gasoline as defined in Section 40-17-30, Code of Alabama, 1975, to provide for the distribution and use of the gasoline tax revenues collected from the sale of gasoline, to provide for the Commissioner of Revenue to collect the tax and enforce provisions of the act.

Be It Enacted by the Legislature of Alabama:

Section 1. Levy of Tax. There is hereby levied in addition to all other taxes of every kind now imposed by law an excise tax on gasoline of \$.04 per gallon, which shall be collected as herein provided.

(a) Every distributor, refiner, retail dealer, storer or user of gasoline shall collect and pay over to the State Department of Revenue an excise tax of \$.04 per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use of gasoline as defined or otherwise referred to in this bill, except gasoline sold for use as fuel to propel aircraft. Provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state or such gasoline shall have been paid to the state by a distributor, refiner or by any retail dealer, storer or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(b) The State Department of Revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the Department, for use by the United States in purchasing gasoline or other fuels taxed by this section within the State of Alabama and which is paid for by the United States. Any person in reporting and paying tax to the Department may deduct the number of gallons of gasoline or other fuels taxed by this section sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report, and the Department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

(c) Gasoline or other fuel used to propel aircraft powered by reciprocating engines and any fuel used to propel aircraft powered by jet or turbine engines is expressly exempted from all provisions of this act.

Section 2. Administration of this act and collection of tax. The provisions of this act shall be administered and the tax herein levied shall be collected in accordance with Section 40-17-30; 40-17-32 through 40-17-37; 40-17-39 through 40-17-49; 40-17-52, Code of Alabama, 1975.

Section 3. The total amount of the net proceeds generated by this bill shall be paid into the treasury to the credit of the highway department in trust, to be divided and distributed as hereinafter provided.

(a) Fifty percent of the net tax proceeds is hereby allocated and appropriated for state highway purposes and as the state's share of the net tax proceeds. The said fifty percent of the net tax proceeds shall be covered into the state treasury to the credit of the public road and bridge fund shall be disbursed as provided in this act.

(b) Fifty percent of the net tax proceeds is hereby allocated and appropriated to a special highway trust fund. The said fifty percent of the net tax proceeds shall be covered into the state treasury and shall be dispursed and allocated as hereinafter provided in this section.

(1) The local subdivisions share of the net tax proceeds shall be allocated to counties participating in a matching fund program. From this fund the state shall match on a one to one basis, any tax placed upon gasoline by the counties, up to two cents per gallon, which is to be used only for highway purposes.

(2) The entire residue of the local subdivisions' share of the net tax proceeds which unclaimed under the matching fund program shall be deposited into the treasury to the credit of the state general fund.

(3) The distributions provided for in this subsection shall be made monthly. The amounts allocated or apportioned to each county shall be disposed of as follows:

(a) Ten percent of the amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census; and

(b) The remaining portion of the amount so allocated or apportioned to each county shall be distributed to the county with respect to which such allocation or apportionment is made.

(4) The allocation provided for in this subsection shall be made on or prior to the tenth day of each month with respect to the receipts of the highway gasoline tax by the state during the preceding month.

(5) The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of Section 11-41-4. Any municipality incorporated after September 30, 1978, shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the highway gasoline tax by the state during October of the fiscal year next succeeding the said incorporation.

(6) When requested to do so by any municipality, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend monies distributed to it under this division. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 4. Use of net tax proceeds for highway purposes. Whenever in this division any portion of the net tax proceeds is provided to be applied or used for highway purposes, the same shall be used as follows:

(a) Where the use is by the highway department, such use shall, with the approval of the governor, be for the construction of public roads and bridges in the state, the maintenance of public roads and bridges on the state highway system;

(b) Where the use is by a county, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads and bridges as is now or may hereafter be provided by law;

(c) Where the use is by a municipality, such use shall be for transportation planning, the construction, reconstruction, maintenance, widening, alteration and improvement of public roads, bridges, streets and other public ways; provided, that no part of the net tax proceeds referred to in this section shall be expended contrary to the provisions of the Constitution; and provided further, that funds distributed to municipalities under the provisions of this division shall not be commingled with other funds of the municipality and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 5. All counties of the state of Alabama are hereby authorized to levy, in addition to all other taxes of every kind now imposed by law, an excise tax on gasoline of up to, but not to exceed \$.02 per gallon, which shall be collected as herein provided.

Section 6. The State Treasurer shall make all allocations of the revenue collections and shall make the distribution and payments thereof pursuant to such allocations provided for in this Act.

Section 7. All laws or parts of laws which conflict with this act are repealed.

Section 8. The provisions of this act are severable. If any part of the act is declared unconstitutional, such declaration shall not affect the parts which remain.

Section 9. This act shall become effective on the 1st day of August, 1980.

On motion of Mr. Teague, said substitute was laid on the table.

And on motion of Mr. Teague, the Committee substitute, as amended, was laid on the table.

Mr. Keener offered the following substitute for the Bill, H. B. 287, to-wit:

#### SUBSTITUTE FOR H. B. 287

#### A BILL TO BE ENTITLED AN ACT

To impose a \$.04 per gallon tax on gasoline, motor fuel and lubricating oil as defined in Sections 40-17-30, 40-17-1 and 40-17-170, Code of Alabama, 1975 respectively; to provide for certain exemptions from the excise tax; to provide for the distribution and use of the gasoline, motor fuel and lubricating oil tax revenues collected from the sale of such products; to provide for the Commissioner of Revenue to collect the tax and enforce provisions of the Act.

Be It Enacted by the Legislature of Alabama:

Section 1. Levy of Tax. There is hereby levied in addition to all other taxes of every kind now imposed by law an excise tax on gasoline, motor fuel and lubricating oil of \$.04 per gallon, which shall be collected as herein provided.

(a) Every manufacturer, distributor, refiner, retail dealer, storer or user of gasoline, motor fuel or lubricating oil shall collect and pay over to the State Department of Revenue an excise tax of \$.04 per gallon upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state for any use of gasoline, motor fuel or lubricating oil as defined or otherwise referred to in this bill, except gasoline, motor fuel and lubricating oil expressly exempted by the provisions of this Act. Provided, that where any excise tax imposed by this section upon the sale, use or consumption, distribution, storage, withdrawal from storage in this state of such gasoline, motor fuel or lubricating oil shall have paid to the state by a manufacturer, distributor, refiner or by any retail dealer, storer or user, such payments shall be sufficient, the intent being that the tax shall be paid to the state but once.

(b) The State Department of Revenue is hereby authorized to issue to the United States certificates of exemption, upon forms prescribed by the Department, for use by the United States in purchasing gasoline, motor fuel or lubricating oil taxed by this section within the State of Alabama and which is paid for by the United States. Any person in reporting and paying the tax to the Department may deduct the number of gallons of such products taxed by this section sold to the United States, as shown by such certificate of exemption duly executed by the United States and filed with such report, and the Department is authorized to adopt rules and regulations with respect to the issuance and use of such certificates.

(c) The following are expressly exempted from the provisions of this Act:

(1) Gasoline and other fuel used to propel aircraft powered by reciprocating engines, any fuel used to propel aircraft powered by jet or turbine engines and lubricating oil used in such aircraft;

(2) Gasoline and motor fuel used to propel ships, vessels, barges, railroad locomotives, other railroad equipment, and lubricating oil used in ships, vessels, barges, railroad locomotives and other railroad equipment;

(3) Gasoline, motor fuel and lubricating oil sold to be used for agricultural purposes; and

(4) Gasoline, motor fuel and lubricating oil sold to governing bodies of counties and incorporated municipalities.

Section 2. Administration of this Act and collection of tax.

(a) The provisions of this Act pertaining to gasoline and the tax herein levied on gasoline shall be administered and collected in accordance with Sections 40-17-30; 40-17-32 through 40-17-37; 40-17-39 through 40-17-49; and 40-17-52, Code of Alabama, 1975.

(b) The provisions of this Act pertaining to motor fuel and the tax herein levied on motor fuel shall be administered and collected in accordance with Sections 40-17-1; 40-17-3 through 40-17-12; 40-17-14 through 40-17-20, Code of Alabama, 1975.

(c) The provisions of this Act pertaining to lubricating oil and the tax herein levied on lubricating oil shall be administered and collected in accordance with Sections 40-17-170; 40-17-173; 40-17-176 through 40-17-186, Code of Alabama, 1975.

Section 3. Distribution of the tax proceeds derived from motor fuel. All revenues received or collected by the Department of Revenue upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state of motor fuel, remaining after the payment of the expense of administration and enforcement of this Act are hereby allocated and appropriated to be used for highway purposes by the State Highway Department.

Section 4. Distribution of the tax proceeds derived from gasoline and lubricating oil. All revenues received or collected by the Department of Revenue upon the selling, use or consumption, distributing, storing or withdrawing from storage in this state of gasoline and lubricating oil remaining after the payment of the expense of administration and enforcement of this Act are hereby allocated and appropriated in the following manner:

(a) Forty-five percent of the net tax proceeds is hereby allocated and appropriated for state highway purposes and as the state's share of the net tax proceeds. The said 45 percent of the net tax proceeds shall be covered into the state treasury to the credit of the public road and bridge fund and shall be disbursed as provided in this Act.

(b) Fifty-five percent of the net tax proceeds is hereby allocated and appropriated to be used for highway purposes by the counties and municipalities. The said 55 percent of the net tax proceeds shall be covered into the state treasury and shall be disbursed and allocated as hereinafter provided in this section.

(1) A portion of the local subdivisions' share of the net tax proceeds that is equal to 25 percent of the net tax proceeds shall be allocated equally among the 67 counties of the state.

(2) The entire residue of the local subdivisions' share of the net tax proceeds, being an amount equal to 30 percent of the net tax proceeds shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each such county to the total population of the state according to the then next preceding federal decennial census, or any special federal census heretofore held in any county subsequent to the effective date of the 1970 federal decennial census. The allocation provided for in this subsection shall be made on or prior to the tenth day of each month with respect to receipts of the highway gasoline tax by the state during the preceding month.

(3) The distributions provided for in this subsection shall be made monthly. The amounts allocated or apportioned to each county shall be disposed of as follows:

(a) Ten percent of the amount so allocated or apportioned to each county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the applicable county according to the then next preceding federal decennial census. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of the tax levied by Section 40-17-31, Code of Alabama, 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this section; provided further, that the legislature may by general or local laws prescribe other distributions within counties to local governments; and



(b) The remaining portion of the amount so allocated or apportioned to each county shall be distributed to the county with respect to which such allocation or apportionment is made.

(4) The population of any municipality incorporated subsequent to the taking of the then next preceding federal decennial census shall be deemed to be the population shown by the census for that municipality taken pursuant to the requirements of Section 11-41-4. Any municipality incorporated after September 30, 1978 shall not participate in the distribution provided for in this section until the fiscal year next succeeding the fiscal year during which it is incorporated, the first distribution to such municipality to be made in respect of receipts of the highway gasoline tax by the state during October of the fiscal year next succeeding the said incorporation.

(5) When requested to do so by any municipality, the highway department may at its discretion make available the services and advice of its engineers and other employees with respect to any work for which that municipality proposes to expend moneys distributed to it under this division. Any such services and advice that may be so made available shall be provided under such terms and conditions as may be mutually agreeable to the highway department and the municipality.

Section 5. Use of net tax proceeds for highway purposes.

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and Rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this Act shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These funds shall not be used for the purchase of equipment. The net tax proceeds

distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 6. The State Treasurer shall make all allocations of the revenue collected and shall make the distribution and payments thereof pursuant to such allocations provided for in this Act.

Section 7. All laws or parts of laws which conflict with this Act are repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 8. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the parts which remain.

Section 9. This Act shall become effective on the 1st day of August, 1980.

Which was adopted.

Yeas 25; Nays 3.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John
Britnell	Hall	McDonald	Smith
Callahan	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
deGraffenried	Keener	Proctor	Vacca
Denton	Lemaster	Robertson	Weeks
Goodwin	Little		

—25

*Nays:* Messrs.: Bailey, Barron and Harrison. —3

Mr. Callahan offered the following amendment to the Bill, H. B. 287, as amended, by the Keener substitute, to-wit:

#### AMENDMENT TO H. B. 287, AS AMENDED BY KEENER SUBSTITUTE

Amend House Bill No. 287 as amended by the Keener Substitute, Page 2, Line 36, by inserting the following after the word "Municipalities."

(5) Gasoline, motor fuel and lubricating oil sold to be used in off-road vehicles which presently do not require state licensing; specifically, but not limited to, forklifts and other like devices not for use on the streets and highways of this state.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Denton	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Hall	Martin	Taylor
Britnell	Harrison	McDonald	Teague
Callahan	Higginbotham	Miller	Vacca
Cook	Holmes	Mitchem	Weeks
deGraffenried	Kirkland		—25

Nays: —0

Mr. Teague offered the following substitute for the Bill H. B. 287, as amended, to-wit:

SUBSTITUTE FOR H. B. 287, AS AMENDED

A BILL  
TO BE ENTITLED  
AN ACT

To further regulate sales taxes on certain petroleum products and substitutes therefor; to further amend Section 40-23-4, Code of Alabama, 1975, as amended, so as to provide an exemption for an amount equal to 25% of the gross proceeds of the sale of lubricating oil, gasoline and motor fuel as defined in Sections 40-17-170, 40-17-30 and 40-17-1, Code of Alabama, 1975, as amended, and to provide for further exemptions for such products used for agricultural purposes, the gross proceeds for certain sales of ethyl alcohol and ethyl alcohol portion of gasohol, and fuel sold to be used to propel aircraft and lubricating oil sold to be used in such aircraft; to provide further exemptions on the gross proceeds of the sales of fuel to be used to propel railroad locomotives and other railroad equipment, the gross proceeds of the sale of lubricating oil sold to be used in such locomotives and equipment and the gross proceeds of certain sales of motor fuel, gasoline and lubricating oil to certain individuals 65 years of age and older; to amend Section 40-23-3 relating to exclusions so as to exclude state and federal excise taxes on lubricating oil, gasoline and other liquid motor fuels from gross sales or gross receipts in the computation of the sales tax levied by this state; to further amend Section 40-23-35, Code of Alabama, 1975, so as to provide further for the distribution and use of sales tax collected on retail sales of motor fuel, gasoline and lubricating oil as defined in Sections 40-17-1, 40-17-30 and 40-17-170, Code of Alabama, 1975; to provide legislative intent that sales tax on motor fuel and gasoline be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 40-23-3, Code of Alabama, 1975, as amended, is further amended to read as follows:

"§ 40-23-3. Exclusions of certain municipal privilege license taxes and certain state and federal excise taxes.

"Municipal privilege license taxes which are levied and collected by the application of a flat percentage rate of gross sales, or gross receipts from sales, and which are passed on directly by the licensee-seller to the purchaser-consumer shall be excluded from gross sales, or gross receipts, as the case may be, in the computation of sales tax levied by this state, under the provisions of this division.

"State excise taxes imposed in Sections 40-17-2, 40-17-31 and 40-17-171 of the Code of Alabama 1975, as amended from time to time and federal excise taxes imposed in Title 26, Section 4081, United States Code, as amended from time to time, shall be excluded from gross sales or gross receipts, as the case may be, in the computation of the sales tax levied by this state under the provisions of this division."

Section 2. Section 40-23-4, Code of Alabama, 1975, as amended, is further amended to read as follows:

"§ 40-23-4. Exemptions.

"There are exempted from the provisions of this division and from the computation of the amount of the tax levied, assessed or payable under this division the following:

"(1) An amount equal to 25% of the gross proceeds of the sales of lubricating oil and, gasoline and motor fuel as defined in Sections 40-17-30 and, 40-17-170, and 40-17-1, Code of Alabama, 1975, respectively. which are otherwise taxed.

"(2) The gross proceeds of the sale, or sales, of fertilizer. The word 'fertilizer' shall not be construed to include cottonseed meal, when not in combination with other materials.

"(3) The gross proceeds of the sale, or sales, of seeds for planting purposes and baby chicks and poults. Nothing herein shall be construed to exempt or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale or sales of plants, seedlings, nursery stock or floral products.

"(4) The gross proceeds of sales of insecticides and fungicides and feed for livestock and poultry, but not including prepared food for dogs and cats.

"(5) The gross proceeds of sales of all livestock by whomsoever sold, and also the gross proceeds of poultry and other products of the farm dairy, grove or garden, when in the original state of production or condition of preparation for sale, when such sale or sales are made by the producer or members of his immediate family or for him by those employed by him to assist in the production thereof. Nothing herein shall be construed to exempt or exclude from the measure or computation of the tax levied, assessed or payable hereunder, the gross proceeds of sales of poultry or poultry products when not products of the farm.

"(6) Cottonseed meal exchanged for cottonseed at or by cotton gins.

"(7) The gross receipts from the business on which, or for engaging in which, a license or privilege tax is levied by or under the provisions of Sections 40-21-50, 40-21-53 and 40-21-56 through 40-21-60; provided, that nothing contained in this subdivision shall be construed to exempt or relieve the person or persons operating the business enumerated in said sections from the payments of the tax levied by this division upon or measured by the gross proceeds of sales of any tangible personal property, except gas and water, the gross receipts from the sale of which are the measure of the tax levied by said Section 40-21-50, merchandise or other tangible commodities sold at retail by said persons, unless the gross proceeds of sale thereof are otherwise specifically exempted by the provisions of this division.

"(8) The gross proceeds of sales or gross receipts of or by any person, firm or corporation, from the sale of transportation, gas, water or electricity, of the

kinds and natures, the rates and charges for which, when sold by public utilities, are customarily fixed and determined by the public service commission of Alabama or like regulatory bodies.

"(9) The gross proceeds of the sale, or sales of coal or coke to manufacturers, electric power companies and transportation companies for use or consumption in the production of by-products, or the generation of heat or power used in manufacturing tangible personal property for sale, for the generation of electric power or energy for use in manufacturing tangible personal property for sale or for resale, or for the generation of motive power for transportation.

"(10) The gross proceeds from the sale or sales of fuel and supplies for use or consumption aboard ships and towing vessels plying the high seas or gulf intracoastal waterway either in intercoastal trade between ports in the State of Alabama and ports in other states of the United States or its possessions or in foreign commerce between ports in the State of Alabama and ports in foreign counties; provided, that nothing in this division shall be construed to exempt or exclude from the measure of the tax herein levied the gross proceeds of sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft of 50 tons burden or less.

"(11) The gross proceeds of sales of tangible personal property to the State of Alabama, to the counties within the state and to incorporated municipalities of the State of Alabama.

"(12) The gross proceeds of the sale or sales of railroad cars, and vessels and barges of more than 50 tons burden, when sold by the manufacturers or builders thereof.

"(13) The gross proceeds of the sale or sales of materials, equipment, and machinery which enter into and become a component part of ships, vessels or barges of more than 50 tons burden, constructed or built within this state.

"(14) The gross proceeds of the sale or sales of fuel oil purchased as fuel for kiln use in manufacturing establishments.

"(15) The gross proceeds of the sale or sales of tangible personal property to county and city school boards, independent school boards and all educational institutions and agencies of the State of Alabama, the counties within the state or any incorporated municipality of the State of Alabama.

"(16) The gross proceeds from the sale of all devices or facilities, and all identifiable components thereof or materials for use therein, acquired primarily for the control, reduction or elimination of air or water pollution and the gross proceeds from the sale of all identifiable components of or materials used or intended for use in structures built primarily for the control, reduction or elimination of air and water pollution.

"(17) The gross proceeds of sales of tangible personal property or the gross receipts of any business which the state is prohibited from taxing under the Constitution or laws of the United States or under the Constitution of this state.

"(18) The gross proceeds of sales amounting to \$1,000.00 a month or less from small stores or vending stands operated by blind persons, as defined in Section 1-1-3; provided, that such small business establishment shall be the

property of the blind operator or of the business enterprise program for the blind, sponsored jointly by the State Department of Education and the Alabama Institute for the Deaf and Blind, that the operator shall have filed application for exemption as required in this subdivision and that the blind operator shall have been for a period of two years next preceding the filing of his application for this exemption a bona fide resident of the State of Alabama.

"Any persons claiming exemption hereunder shall file with the Commissioner of Revenue an application therefor in the form prescribed by the Commissioner of Revenue, accompanied by a vision certificate from a regularly licensed physician or ophthalmologist.

"Any person who procures a license under the provisions of this subdivision and permits any other person, firm or corporation to engage in or conduct business under this license shall be guilty of a misdemeanor and shall be punished as provided by law; and any person, firm or corporation, not entitled to exemption hereunder, who engages in or conducts business under a license issued to a blind person under the provisions of this subdivision shall be guilty of a misdemeanor and shall be punished as provided by law.

"(19) When dealers or distributors use parts taken from stocks owned by them in making repairs without charge for such parts to the owner of the property repaired pursuant to warranty agreements entered into by manufacturers, such use shall not constitute taxable sales to the manufacturers, distributors or to the dealers, under this division or under any county sales tax law.

"(20) The gross proceeds received from the sale or furnishing of food, including potato chips, candy, fruit and similar items, soft drinks, tobacco products and stationery and other similar or related articles by hospital canteens operated by Alabama state hospitals at Bryce Hospital and Partlow State School for Mental Deficients at Tuscaloosa, Alabama, and Searcy Hospital at Mt. Vernon, Alabama, for the benefit of the patients therein.

"(21) The gross proceeds of the sale, or sales, of wrapping paper and other wrapping materials when used in preparing poultry or poultry products for delivery, shipment, or sale by the producer, processor, packer or seller of such poultry or poultry products including pallets used in shipping poultry and egg products, paper or other materials used for lining boxes or other containers in which poultry or poultry products are packed together with any other materials placed in such containers for the delivery, shipment or sale of poultry or poultry products.

"(22) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines or medications, vitamins, minerals or other nutrients and all other feed ingredients including concentrates, supplements and other feed ingredients when such substances are used as ingredients in mixing and preparing feeds for fish raised to be sold on a commercial basis, livestock and poultry. Such exemption herein granted shall be in addition to exemption now provided by law for feed for fish raised to be sold on a commercial basis, livestock and poultry, but not including prepared foods for dogs or cats.

"(23) The gross proceeds of the sale, or sales, of seedlings, plants, shoots and slips which are to be used for planting vegetable gardens or truck farms. Nothing herein shall be construed to exempt, or exclude from the computation of the tax levied, assessed or payable, the gross proceeds of the sale, or the use of plants, seedlings, shoots, slips, nursery stock and floral products, except as hereinabove exempted.

"(24) The gross proceeds of the sale, or sales, of fabricated steel tube sections, when produced and fabricated in this state by any person, firm or corporation for any vehicular tunnel for highway vehicular traffic, when sold by the manufacturer or fabricator thereof, and also the gross proceeds of the sale, or sales, of steel which enter into and become a component part of such fabricated steel tube sections of said tunnel.

"(25) The gross proceeds from sales of admissions to any theatrical production, symphonic or other orchestral concert, ballet or opera production when such concert or production is presented by any society, association, guild or workshop group, organized within this state, whose members or some of whose members regularly and actively participate in such concerts or productions for the purposes of providing a creative outlet for the cultural and educational interests of such members, and of promoting such interests for the betterment of the community by presenting such productions to the general public for an admission charge.

"The employment of a paid director or conductor to assist in any such presentation described in this subdivision shall not be construed to prohibit the exemptions herein provided.

"(26) The gross proceeds of sales of herbicides for agricultural uses by whomsoever sold. The term "herbicides," as used in this subdivision, means any substance or mixture of substances intended to prevent, destroy, repel or retard the growth of weeds or plants. It shall include preemergence herbicides, postemergence herbicides, lay-by herbicides, pasture herbicides, defoliant herbicides and dessicant herbicides.

"(27) The Alabama Chapter of the Cystic Fibrosis Research Foundation, and the Jefferson Tuberculosis Sanatorium and any of their departments or agencies, heretofore or hereafter organized and existing in good faith in the State of Alabama for purposes other than for pecuniary gain and not for individual profit, shall be exempted from the computation of the tax on the gross proceeds of all sales levied, assessed or payable.

"(28) The gross proceeds from the sale or sales of fuel for use or consumption aboard commercial fishing vessels are hereby exempt from the computation of all sales taxes levied, assessed, or payable under the provisions of this division or levied under any county or municipal sales tax law.

"The words "commercial fishing vessels" shall mean vessels whose masters and owners are regularly and exclusively engaged in fishing as their means of livelihood.

"(29) The gross proceeds of sales of sawdust, wood shavings, wood chips and other like materials sold for use as "chicken litter" by poultry producers and poultry processors.

"(30) The gross proceeds of the sales of all antibiotics, hormones and hormone preparations, drugs, medicines and other medications including serums and vaccines, vitamins, minerals or other nutrients for use in the production and growing of fish, livestock and poultry by whomsoever sold. Such exemption as herein granted shall be in addition to the exemption provided by law for feeds for fish, livestock and poultry, and in addition to the exemptions provided by law for the above enumerated substances and products when mixed and used as ingredients in fish, livestock and poultry feeds.

"(31) The gross proceeds of the sale or sales of all medicines prescribed by physicians for persons who are 65 years of age or older, and when said prescriptions are filled by licensed pharmacists, shall be exempted under this division or under any county or municipal sales tax law. The exemption provided in this section shall not apply to any medicine purchased in any manner other than as is herein provided.

"For the purposes of this subdivision, proof of age may be accomplished by filing with the dispensing pharmacist any one or more of the following documents:

a. The name and claim number as shown on a "Medicare card issued by the United States Social Security Administration.

b. A certificate executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

c. An affidavit executed by any adult person having knowledge of the fact that the person for whom the medicine was prescribed is not less than 65 years of age.

"For the purposes of this subdivision, any person filing a false proof of age shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$100.00.

"(32) There shall be exempted from the tax levied by this division the gross receipts of sales of grass sod of all kinds and character when in the original state of production or condition of preparation for sale, when such sales are made by the producer or members of his family or for him by those employed by him to assist in the production thereof; provided, that nothing herein shall be construed to exempt sales of sod by a person engaged in the business of selling plants, seedlings, nursery stock or floral products.

"(33) The gross receipts of sales of the following items or materials which are necessary in the farm to market production of tomatoes when such items or materials are used by the producer or members of his family or for him by those employed by him to assist in the production thereof: twine for tying tomatoes, tomato stakes, field boxes (wooden boxes used to take tomatoes from the fields to shed) and tomato boxes used in shipments to customers.

"(34) The gross proceeds from the sale of liquefied petroleum gas, motor fuel, gasoline and lubricating oils sold to be used for agricultural purposes.

"(35) The gross proceeds from the sale of ethyl alcohol sold to be used in internal combustion engines.

"(36) That portion of the gross proceeds from the sale of gasohol sold to be used in internal combustion engines, which is attributable to the portion of its volume made up of ethyl alcohol.

"(37) The gross proceeds from the sale of any fuel sold to be used to propel aircraft and the gross proceeds of the sale of lubricating oil sold to be used in such aircraft.

"(38) The gross proceeds from the sale of any fuel sold to be used to propel railroad locomotives and other railroad equipment and the gross proceeds of the sale of lubricating oil sold to be used in such locomotives or equipment.



"(39) The gross proceeds of the sales of motor fuel, gasoline and lubricating oil, when such sales are to persons 65 years of age or older with a taxable income, for state income tax purposes of less than \$10,000 per annum; provided, however, this exemption shall only apply to sales where such products are for the use in such person's personal automobile, pick-up truck, light van or recreational vehicle for other than business purposes. Such persons may file for such exemption on their state income tax returns. The Alabama Department of Revenue shall have the power and authority to prescribe forms, rules and procedures to regulate the exemptions provided herein.

Section 3. Section 40-23-35, Code of Alabama, 1975, as amended, is further amended as follows:

"Disposition of revenues from tax.

"Such amount of money as shall be appropriated for each fiscal year by the Legislature to the Department of Revenue with which to pay the salaries, the cost of operation and management of said Department shall be deducted, as a first charge thereon, from the taxes collected under the provisions of this division; provided, that the expenditure of said sum so appropriated shall be budgeted and allocated pursuant to Article 4 of Chapter 4 of Title 41 of this Code, and limited to the amount appropriated to defray the expenses of operating said department for each fiscal year. After the payment of the expenses, so much of the amount remaining as may be necessary, after first applying all sums of money received by reason of the application of the surplus in the income tax as provided by Section 40-18-58, for the replacement in the public school fund of the three-mill constitutional levy for schools in the general fund of the one-mill levy for soldiers' relief and the two and one-half mills for general purposes lost by exemption of homestead provided for in this division shall be first charges against the proceeds of said licenses, taxes or receipts levied or collected under this division. The comptroller, with the approval of the Governor, is hereby directed to draw his warrants payable out of the total proceeds of said licenses, taxes or receipts levied or collected under this division as herein provided in such sums as shall be found necessary to take care of and replace the three-mill constitutional school levy, the one-mill soldiers' relief levy and the two and one-half mill levy for general purposes of the state ad valorem taxes lost as above set forth. If the amounts of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$378,000.00 shall be paid into the treasury to the credit of the 67 counties of the state, to be divided and distributed as hereinafter provided. If the amount of such collections in any fiscal year, remaining after the payment of expenses of administration, and the replacement of the amounts in the several funds derived from the state six and one-half mill tax, as herein provided, is less than \$4,200,000.00, then an amount equal to nine percent thereof shall be paid into the treasury to the credit of the 67 counties of the state to be divided and distributed as hereinafter provided. The amount deposited to the credit of the 67 counties as above provided, which in no one fiscal year shall exceed nine percent of the amount of collections remaining after the payment of the expenses and charges herein first required to be paid, nor shall it in any event exceed the sum of \$378,000.00 for any one fiscal year, shall be divided and distributed as follows: One half of said proceeds shall be divided and distributed proportionately among the 67 counties of the state according to the population of the said counties as shown by the last federal census as proclaimed, published or certified by the director of the Bureau of the Census; and one half of said proceeds shall be divided or distributed equally among

the 67 counties; provided, that the funds divided and distributed to the several counties of the state as hereinabove provided for shall be used exclusively for full-time health service in cooperation with the State Board of Health or the federal government, and for extension services in cooperation with the Alabama agriculture extension service or the federal government, at the discretion of the county commissions of the several counties of the state. If the amounts of such collections in any fiscal year, after the payment of the expenses of administration and replacement of the amounts in the several funds as herein provided, is equal to \$4,200,000.00, then the sum of \$672,000.00 shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the expenses of administration and the replacement of the amounts in the several funds derived from the state's six and one-half mills tax, as herein provided, is less than \$4,200,000.00 than an amount equal to 16 percent thereof shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes. If the amount of such collections in any fiscal year, remaining after the payment of the expenses of administration and replacement of the amounts in the several funds as hereinabove provided and distributed, is greater than \$4,200,000.00, then an amount equal to one fourth of such excess shall be paid into the treasury to the credit of the State Department of Pensions and Security to be used for general welfare purposes; provided, that this one fourth of such excess shall not exceed the sum of \$650,000.00 per annum; and in addition, there shall be paid, commencing on January 1, 1978, and on the first day of each fiscal quarter thereafter, to the Department of Pensions and Security for a statewide, state-administered food stamp program, as authorized by the Food Stamp Act of 1964, Public Law 88-525, 88th Congress, and amendments thereto, an amount equal to five percent of the value of coupons issued statewide in excess of the amount paid by recipients (bonus or free stamps) during the immediate prior fiscal quarter, which sum so appropriated shall be paid quarterly to the Department of Pensions and Security trust fund for administration of the food stamp program in conformity with rules and regulations promulgated by the United States Department of Agriculture and in conformity with Sections 38-1-1 through 38-6-9. Such administrative funds shall be limited to and based on fiscal year 1976-77 administrative costs, normal inflationary increases and mandated administration requirements of the Alabama Legislature and the United States Department of Agriculture. The Department of Pensions and Security will not staff any county food stamp office at a level which exceeds the average staff-to-recipient ratios which existed in Alabama during fiscal year 1976-77. This restriction will apply in coordination with those provided hereinabove and, should conflict occur, the lesser amount of expenditure shall be required. At the end of each fiscal year, an accounting shall be made of said sum so that any unexpended and unencumbered balance of funds may be determined for the purpose of paying such balance to the Alabama special educational trust fund.

"The amount of the proceeds of the tax collected on retail sales of motor fuel as defined in Section 40-17-1, Code of Alabama, 1975, when collected, shall be deposited into the state treasury to the credit of the highway department to be used exclusively for highway purposes. The amount of the proceeds of the tax collected on retail sales of gasoline and lubricating oil as defined in Sections 40-17-30 and 40-17-170, Code of Alabama, 1975, shall be distributed in the same manner as outlined in Sections 40-17-72 and 40-17-73, Code of Alabama, 1975, as amended. Provided, however, any local laws or general laws of local application now in effect regarding the distribution of

the tax levied by Section 40-17-31, Code of Alabama, 1975, as amended, shall govern the distribution of the amounts allocated or apportioned within every county by this chapter; provided further, that the Legislature may by general or local laws prescribe other distribution within counties to local governments. The amount of the proceeds of all taxes levied by this division remaining after the payment of the expenses of administration and enforcement and the replacement in the several funds of the amount lost by any homestead exemptions and, the distribution to the counties and the distribution of the tax collected on motor fuel, gasoline and lubricating oil as herein provided shall be paid into the Alabama special educational trust fund. In this division, "general welfare purposes" means:

- (1) The administration of the public assistance as set out in Sections 38-2-5 and 38-4-1;
- (2) Services, including supplementation and supplementary services under the federal Social Security Act, to or on behalf of persons to whom such public assistance may be given under said Section 38-4-1;
- (3) Services to and on behalf of dependent, neglected or delinquent children; and
- (4) Investigative and referral services to and on behalf of needy persons."

**Section 4. Use of net tax proceeds for highway purposes.**

(a) Within the meaning of this section the following words and phrases shall have the following meaning:

(1) **RESURFACING, RESTORATION AND REHABILITATION (RRR).** Work undertaken primarily to preserve an existing facility. Restoration and Rehabilitation is considered to be work required to return the existing pavement or bridge deck (including shoulders) to a condition of adequate structural support or to a condition adequate for placement of an additional state of construction (bridge deck protective system or resurfacing). Resurfacing consists of the placement of additional surface material over the existing, restored or rehabilitated roadway or bridge deck to improve serviceability or to provide additional strength. RRR work may include changes to geometric features, such as minor widening, flattening curves, or improving sight distances.

(2) **BRIDGE REPLACEMENT.** Bridge replacement includes the replacement of existing bridge structures and, if necessary, the realignment of the adjacent approaches.

(b) It is the intent of the legislature that the proceeds of the tax collected on motor fuel, gasoline and lubricating oil under the provisions of this Act shall be used in the following manner:

(1) Where the use is by the highway department, such use shall, with the approval of the Governor, be for the construction and maintenance of public roads and bridges on the state highway system.

(2) Where the use is by a county, such use shall be for the resurfacing, restoration, and rehabilitation of the paved county roads and bridges or bridge replacement on the county road system. Such funds shall not be used for new construction unless 90% of the county's paved road system has achieved a grade of 85% based on the State of Alabama Highway Department's Annual Maintenance Report of County Roads and Bridges. These

funds shall not be used for the purchase of equipment. The net tax proceeds distributed to the county shall not be commingled with other funds of the county, including any other gasoline tax revenues, and shall be kept and disbursed by such county from a special fund only for the purposes hereinabove provided.

(3) Where the use is by a municipality, such use shall be for resurfacing, restoration and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. These funds shall not be commingled with other funds of the municipality including any other gasoline tax revenues and shall be kept and disbursed by such municipality from a special fund only for the purposes hereinabove provided.

Section 5. It is the further intent of the Legislature that the sales tax levied on motor fuel and gasoline pursuant to Section 40-23-2, Code of Alabama, 1975, be reflected in the retail price of such products as shown on motor fuel and gasoline retail station pumps. The Department of Revenue is hereby authorized and directed to promulgate rules, regulations and procedures to accomplish such intent.

Section 6. The State Treasurer shall make all allocations of the revenue collections and shall make the distribution and payments thereof pursuant to such allocations provided for in this Act.

Section 7. All laws or parts of laws which conflict with this Act are repealed or modified to the extent necessary to carry out the provisions of this Act.

Section 8. The provisions of this Act are severable. If any part of the Act is declared unconstitutional, such declaration shall not affect the parts which remain.

Section 9. This Act shall become effective on the first day of the second month next following its passage and approval by the Governor, or upon its otherwise becoming a law.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 909. To amend Section 40-20-2 of the Code of Alabama 1975, so as to further provide for the severance tax on the production of oil and gas.

Also:

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

Also:

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 1. To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under § 36-27-6 shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this act, provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be appropriated to the Employees' Retirement System from the Alabama Special Education Trust Fund; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide the necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Cates, Riddick and Moore.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 244. To amend Section 6-2-30 of the Code of Alabama, 1975, which relates to the commencement of civil actions, so as to specify the date on which a civil action for injury to the person or rights of another resulting from exposure to asbestos shall first be deemed to accrue.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 287

The Senate proceeded to further consideration of the Bill, H. B. 287, as amended. The question was on the substitute offered by Mr. Teague.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 196. CONGRATULATING WETUMPKA HIGH SCHOOL, STATE 3A BASKETBALL CHAMPIONS.

Also:

S. J. R. 197. MOURNING THE DEATH OF A. DEAN BLACKWELL, JR., OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 198. COMMENDING WSFA-TELEVISION IN MONTGOMERY AND MR. DIXON LOVVORN.

Also:

S. J. R. 199. CONGRATULATING MR. AND MRS. JAKE B. PURVIS ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

S. J. R. 200. COMMENDING THE RIFLE AND DRILL TEAMS OF ENTERPRISE HIGH SCHOOL.

Also:

S. J. R. 210. CONGRATULATING MISS ELIZABETH LESTER ON HER SELECTION AS "MISS NORTH ALABAMA."

Also:

S. J. R. 203. COMMENDING MRS. ALICE RHODES, IMMEDIATE PAST PRESIDENT OF THE ALABAMA FEDERATION OF WOMEN'S CLUBS.

REGULAR SESSION  
29th Day

1903

Also:

S. J. R. 205. HONORING MRS. LYNN JETER UPON EXPIRATION OF HER TERM OF SERVICE ON THE ENTERPRISE CITY BOARD OF EDUCATION.

Also:

S. J. R. 206. HONORING COMMISSIONER H.H. SUMRALL, JR., FOR EXTRAORDINARY SERVICE TO THE STATE OF ALABAMA.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 909. To amend Section 40-20-2 of the Code of Alabama 1975, so as to further provide for the severance tax on the production of oil and gas.

Also:

H. 1016. To amend Act No. 79-680, H. 1001, 1979 Regular Session (Acts 1979, p. 1211) to provide that supplemental salary for circuit judges paid by the County comprising the Fourteenth Judicial Circuit, shall not be considered in determining relationship between Circuit Clerk and District Judges and Circuit Judges of the Fourteenth Judicial Circuit.

Also:

H. 1018. To levy a finance charge or a tax of five cents per acre to be assessed against lands located in Walker County, Alabama, which are used for timber growing purposes, to provide protection against forest fires within Walker County; and prescribing the procedure for the collection of such assessments.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

And the Speaker of the House has appointed as Committee on part of the House: Cooley, Bowling and Roberts.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

And the Speaker of the House has appointed as Committee on part of the House: Owens, Sasser and Manley.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate Bill:

S. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

And the Speaker of the House has appointed as Committee on part of the House: Owens, Manley and Sasser.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 287

The Senate proceeded to further consideration of the Bill, H. B. 287, as amended. The question was on the substitute offered by Mr. Teague.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:



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S. 497. To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of '79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents or charged with a moving vehicle violation on the uniform accident report form or citation.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

Also:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

Also:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

Also:

S. 587. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

Also:

S. 243. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

Also:

S. 456. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 287

The Senate proceeded to further consideration of the Bill, H. B. 287, as amended. The question was on the substitute offered by Mr. Teague.

And said substitute was then lost.

Yeas 7; Nays 22.

Yeas:

Messrs. Callahan	Denton Goodwin	Taylor Teague	Weeks White
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—7

Nays:

Messrs.:	Hall	Lemaster	Proctor
Barron	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	St. John
Cook	Holmes	Miller	Smith
deGraffenried	Keener	Mitchem	Vacca
Gulledge	Kirkland	Parsons	

—22

Mr. White offered the following amendment to the Bill, H. B. 287, as amended, to-wit:

#### AMENDMENT TO H. B. 287 AS AMENDED

Amend H. B. 287 on page 16, line 17, following the period insert the following: Prior to the distribution of the 55% provided for in Section 40-17-73, Code of Alabama 1975, as amended, there is hereby appropriated to the State of Alabama Public Road and Bridge Fund the sum of \$3,230,554 for the fiscal year 1980-81, the sum of \$3,886,860 for the fiscal year 1981-82, the sum

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of \$3,981,811 for the fiscal year 1982-83, the sum of \$3,970,728 for the fiscal year 1983-84 and the sum of \$7,260,135 for the fiscal year 1984-85, for the purpose of paying debt service on Act No. 26 of the 1st Special Session, 1963 (Acts 1963, Vol. 1, p. 91).

On motion of Mr. Keener, said amendment was laid on the table.

Yeas 22; Nays 7.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Mitchem
Bailey	Hall	Lemaster	St. John
Britnell	Harrison	Little	Taylor
Callahan	Higginbotham	Martin	Teague
Denton	Holmes	McDonald	Vacca
Goodwin	Keener	Miller	

—22

*Nays:*

Messrs.:	Cook	Parsons	Robertson
Barron	deGraffenried	Proctor	White

—7

And said Bill, H. B. 287, as amended by the Keener substitute, as amended, was read a third time at length and passed.

Yeas 18; Nays 15.

*Yeas:*

Messrs.:	Hall	Martin	Teague
Clemon	Higginbotham	Miller	Vacca
Denton	Keener	St. John	Weeks
Goodwin	Lemaster	Smith	White
Gulledge	Little	Taylor	

—18

*Nays:*

Messrs.:	Callahan	Harrison	Mitchem
Bailey	Cook	Holmes	Parsons
Barron	deGraffenried	Kirkland	Proctor
Britnell	Glass	McDonald	Robertson

—15

Mr. Keener moved that the Senate reconsider the vote by which the Bill, H. B. 287, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

COMMUNICATION FROM THE SUPREME COURT

THE STATE OF ALABAMA      JUDICIAL DEPARTMENT  
THE SUPREME COURT OF ALABAMA  
OCTOBER TERM, 1979/80

Members of the Senate  
State Capitol  
Montgomery, Alabama

Dear Sirs:

The Honorable McDowell Lee, Secretary of the Senate, has forwarded to the Justices of the Supreme Court the following Senate Resolution No. 209, which requests an advisory opinion of the Justices relative to H. B. 287, to-wit:

BE IT RESOLVED BY THE SENATE OF THE LEGISLATURE OF ALABAMA, That we respectfully request the Honorable Chief Justice and Associate Justices of the Supreme Court of a majority of them, to give this body their written opinions on the following important constitutional question which has arisen concerning H. B. 287, pending before the Senate, a copy of which is attached to this resolution and made a part hereof by reference.

House Bill 287, as introduced, raised revenue for the Highway Department and has been amended and substituted in the House of Representatives and in the Senate. While the bill still produces revenue for the Highway Department, it is now in the form of a 4¢ per gallon tax on gasoline. Does the changing of the revenue producing device violate Section 61 of the Constitution as a bill so altered or amended as to change its original purpose?

RESOLVED FURTHER, That the Secretary of the Senate is hereby directed to send sufficient true copies of the pending bill, H. B. 287, with all House and Senate amendments and substitutes, to the Clerk of the Supreme Court of Alabama, and to transmit this request to the Justices of the Supreme Court forthwith upon adoption of this Resolution.

The answer to the sole question propounded by your request is in the negative.

Section 61 of the Constitution of Alabama of 1901, provides that "no bill shall be so altered or amended on its passage through either house as to change its original purpose." The "purpose" of a bill within this section has been held to mean its general purpose, not mere details through which its purpose is manifested and effectuated. *Opinion of the Justices*, 361 So. 2d 536 (Ala. 1978); *State Docks Commission v. State*, 227 Ala. 521, 150, 150 So. 537 (1933).

In *Opinion of the Justices*, supra, this Court held that the bill under scrutiny altered the original bill passed only in the method of effectuating its purpose, which remained unchanged from the original bill. The general purpose of the original bill was to provide monies for capital improvements for public educational purposes. The original bill employed a direct appropriation of \$250,000,000 from the Alabama Special Educational Trust Fund, over a designated period. The substitute bill altered the financing method to provide instead for a bond issue of \$220,325,000 by the Alabama Public School and College Authority. We held that since only the financing method had been altered, § 61 had not been violated, because the general purpose of each of the two bills—to provide monies for capital improvements for public education purposes—was identical. See also, *Opinion of the Justices*, 264 Ala. 181, 86 So. 2d 1 (1956); *Opinion of the Justices*, 252 Ala. 525, 41 So. 2d 758 (1949).

The same rationale is applicable to the two proposals here under scrutiny. The general purpose of House Bill No. 287 is to raise revenue exclusively for highway purposes. The general purpose of the Senate Finance and Taxation Committee's substitute to House Bill No. 287 is identical. Only the method of financing is altered. House Bill No. 287 originally proposed to raise revenue by removing the sales tax exemptions from motor fuel, gasoline and lubricating oil. The Senate committee's substitute proposes to raise the revenue by imposing a four cents per gallon tax on gasoline. While the details through which the bill's purpose would be effectuated are different, the general purpose of each version of the bill—raising revenue for construction and maintenance of highways throughout the state—is the same. Both versions levy a tax incident to the sale of gasoline, even though the tax is measured differently.

It is, therefore, our opinion that the constitutional prohibition of § 61 has not been violated in that the Bill in question has not been so altered or amended on its passage as to change its original purpose. Opinion of the Justices, 361 So. 2d 536 (1978).

Respectfully submitted,

C. C. TORBERT, JR.,  
Chief Justice.

HUGH MADDOX  
RENEAU P. ALMON  
JANIE L. SHORES  
ERIC EMBRY  
Associate Justices.

### OPINION RENDERED

The foregoing Communication from the Supreme Court of Alabama was read and ordered spread upon the Journal.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-141, relating to the levy and amount of the motor carrier fuel tax; § 40-17-142, relating to credit of payment of sales, gasoline and motor fuel taxes; § 40-17-145, relating to payment of tax; § 40-17-146, relating to disposition of proceeds of tax; § 40-17-147, relating to how the amount and purchase price of motor fuel used in the state is to be ascertained; § 40-17-149 relating to books and records; § 40-17-151, relating to sales without liability for tax on the part of distributor; and § 40-17-155, relating to penalties.

was taken up.

Mr. Keener offered the following substitute for the Bill, H. B. 648, to-wit:

### SUBSTITUTE FOR H. B. 648

#### A BILL. TO BE ENTITLED AN ACT

To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-142, relating to credit of payment of gasoline and motor fuel taxes; and § 40-17-155, relating to penalties.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 40-17-140, 40-17-142, and 40-17-155, Code of Alabama, 1975 are hereby amended to read as follows:

"§ 40-17-140. Definitions. For the purpose of this article, the following terms shall have the meanings respectively ascribed by this action:

"(1) Motor Vehicle. Any passenger vehicle that has seats for more than nine passengers in addition to the driver, or any road tractor, or any tractor truck, or any truck having more than two axles.

"(2) Motor Carrier. Every person, firm or corporation who or which operates or causes to be operated on any highway in this state any motor vehicle, as defined herein, except any resident person, firm or corporation owning or operating not more than one such motor vehicle for his own use and not for hire, and except any person, firm or corporation the motor vehicles of which are operated or caused to be operated wholly within this state.

"(3) Operations. Operations of all motor vehicles, whether loaded or empty, whether for compensation or not for compensation, and whether owned by or leased to the motor carrier who operates them or causes them to be operated.

"(4) Motor Fuel. Gasoline, diesel fuel and any other inflammable liquid or substance by whatever name it may be known and sold, the use of which is as a fuel for the propulsion of motor vehicles.

"(5) Commissioner. The commissioner of the state department of revenue.

"(6) Gasoline Tax. The tax imposed by article 2 of this chapter, and by House Bill 287 enacted during the 1980 Regular Session of the Legislature of Alabama (Acts 1980, No. , p. ).

"(7) Diesel Fuel Tax. The tax imposed by sections 40-17-1 through 40-17-20, and by House Bill 287 enacted during the 1980 Regular Session of the Legislature of Alabama (Acts 1980, No. , p. ).

"§ 40-17-142. Credit of payment of gasoline and motor fuel taxes.

"(a) Every motor carrier subject to the tax hereby imposed shall be entitled to a credit on such tax equivalent to the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect on all motor fuel purchased by such motor carrier within this state for use in its operations either within or without this state and upon which the motor fuel tax has been paid by such motor carrier. Evidence of the payment of such taxes in such form as may be required by, or is satisfactory to, the commissioner shall be furnished by each such carrier claiming the credit herein allowed. When the amount of the credit herein provided to which any motor carrier is entitled for any quarter exceeds the amount of the tax hereby imposed for which the motor carrier is liable for the same quarter, such excess may under regulations of the commissioner be allowed as a credit on the tax hereby imposed for which such motor carrier would be otherwise liable for any of the three succeeding quarters; or upon application within three years from the end of any quarter, duly verified and presented, in accordance with regulations promulgated by the commissioner and supported by such evidence as may be satisfactory to the commissioner, such excess may be refunded if it shall appear that the applicant has paid to another state under a lawful requirement of such state a tax, similar in effect to the tax herein provided, on the use or consumption in such state of motor fuel purchased in Alabama to the extent of such payment to said other state, but in no case to exceed the rate of the rate per gallon of the applicable Alabama tax on motor fuel which is currently in effect.

"(b) If the commissioner shall refuse to allow a refund in the amount claimed by the applicant, the applicant may request a hearing which shall be before the department of revenue, with the burden being on the applicant to

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prove its or his right, if any, to such refund. Such hearing shall be held by the commissioner after notice to the applicant of not less than 10 days. Whenever any refund is ordered it shall be paid by warrant of the state comptroller out of the same fund to which disbursed as provided in section 40-17-146, and there is hereby appropriated out of said funds so much thereof as may be necessary to make refunds from time to time.

"§ 40-17-155. Penalties. Failure to comply with any provisions of this article, including failure to pay the tax, to file the required reports, to keep the required books and records or to comply with any rule or regulation issued by the commissioner of revenue pursuant to the provisions of this article shall be deemed a violation of the article, and each such failure or violation shall constitute a class B misdemeanor; and, upon conviction, any person who violates the article shall be punishable as provided by law. by a fine of not more than \$300.00. Each such violation shall constitute a separate offense."

Section 2. All laws or parts of laws which are inconsistent or in conflict with the provisions of this Act are, to the extent of such inconsistency or conflict, hereby repealed.

Section 3. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. This Act shall become effective on the 1st day of August, 1980.

Which was adopted.

Yeas 20; Nays 4.

*Yeas:*

Messrs.:	Hall	Little	Taylor
Bailey	Higginbotham	Martin	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	St. John	Weeks
Goodwin	Lemaster	Smith	White
Gulledge			

—20

*Nays:* Messrs.: Barron, Harrison, Parsons and Robertson. —4

And said Bill, H. B. 648, as thus amended by the substitute, was read a third time at length and passed.

Yeas 21; Nays 2.

*Yeas:*

Messrs.:	Goodwin	Miller	Taylor
Bailey	Gulledge	Mitchem	Teague
Callahan	Hall	Parsons	Vacca
Cook	Higginbotham	Proctor	Weeks
deGraffenried	Keener	St. John	White
Denton	Little		

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*Nays:* Messrs.: Harrison and Robertson. —2

## RESOLUTIONS

Messrs. Teague, Proctor, and Holmes offered the following Senate Joint Resolution, to-wit:

S. J. R. 213. CONDEMNING THE USE OF PRISON FACILITIES IN TALLADEGA, ALABAMA, FOR THE HOUSING OF THOSE CUBAN REFUGEES WHO HAVE FAILED TO PASS SECURITY SCREENING BY THE FBI AND CIA.

WHEREAS, it is abhorrent to members of the Alabama Legislature that the federal medium security facilities at Talladega, Alabama are being used to house scores of Cuban refugees who, according to a federal spokesman, have failed to pass security screening by the FBI and CIA; and

WHEREAS, as these refugees have been separated from thousands of others being housed in Florida, it is obvious that they are confined as prisoners of the United States government and as suspected felons with Cuban criminal records; and

WHEREAS, should these prisoners not be deported within six months of deportation hearings, they must be released from prison which might well result in a mass influx of hardened criminals into the Talladega Community; and

WHEREAS, further, based on past experience, the citizens of Alabama have every right to fear the possibility of imminent release of these prisoners, at any time, upon order of some federal judge; and

WHEREAS, a question also arises as to why these security facilities with room to house perhaps hundreds of suspected Cuban criminals could not have been used, at least temporarily, to help alleviate the overcrowded conditions of our state prisons until such time as new facilities can be acquired; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we hereby condemn and deplore the housing of Cuban refugees with suspected criminal records in Talladega or any other community in the State of Alabama.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Carter, to the Federal Bureau of Immigration and to the members of the Alabama Congressional Delegation in Washington, D.C.

On motion of Mr. Teague, the Rules were suspended and the Resolution was adopted by the Senate.

The Standing Committee on Rules reported the following Senate Resolution, to-wit:

S. R. 214

RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the twenty-ninth legislative day only:

Bill No.	Page No.	Description
H. B. 141	19	Debtor exemptions
H. B. 36	6	Alabama Banking Code



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H. B. 598	3	Medicaid
H. B. 597	2	Medicaid
H. B. 68	11	National Teachers' exam.
H. B. 1033	60	Office of State Planning and Fed. prog.
H. B. 1034	62	Abolish State Indus. Bd.
H. B. 384	34	Motor Vehicle License Plates
H. B. 204	17	County Commissions
H. B. 356	10	Tame Turkeys
H. B. 1077	53	Franchise tax on foreign and dom. corp.
H. B. 164	32	Teachers' and Emp. Retir. Sys.
H. B. 161	16	Airports
H. B. 458	26	Sheriffs
H. B. 473	23	Clerks & Reg. of cir. court sal. inc.
H. B. 242	13	Est. of a fee to be col. from the proc. of all judicial sales
H. B. 243	14	State Records pres.
H. B. 173	12	Docket fees for traffic violations
H. B. 935	37	Historic Preservation Bds.
H. B. 937	49	Relief for Patricia Rutherford
H. B. 571	32	Sal. Inc. for certain state empl.
H. B. 432	53	Civil Air Patrol
H. B. 668	42	Relating to defacing tombstones
H. B. 813	56	Telephone Rev. Fund Dept. of Finance
H. B. 811	29	Toll Bridges
H. B. 814	51	Dept. of Finance, Div. of Service Mail
H. B. 770	37	State Dept. of Education
H. B. 59	22	National Guard
H. B. 622	35	Absentee voting
H. B. 701	23	Fed. Aid Highway
H. B. 702	24	State Highway Dept. Road & Bridges
H. B. 417	54	Non merit appointment
H. B. 891	20	Ex. granted motor veh. hauling pass. to and from their place of empl.
H. B. 138	15	Insurance
H. B. 762	39	Comm. sold by bushel or barrel

H. B. 9	15	Hon. retired law enf. officer to carry handgun
H. B. 276	25	Al liq. petroleum gas board
H. B. 261	25	Salaries of Chief Exam. and Asst. Chief Exam. of Public Accts.
H. B. 78	3	Approp. to Alabama State Bar
H. B. 199	14	Swine Diseases
H. B. 916	26	Highway Department
H. B. 332	39	Hospital License
H. B. 98	9	Southern Interstate Nuclear Compact
H. B. 621	38	Relating to the Fifteenth Judicial Circuit
H. B. 555	55	Muni. regarding grants
H. B. 189	73	Mobile Home Safety Standards
H. B. 185	71	Penalty false statements
H. B. 709	78	Tax assessors & tax collectors
H. B. 400	18	Ad Valorem Taxation
H. B. 740	36	Alabama Board of Funeral Service
H. B. 307	79	Alabama Unemployment Corp. Act
H. B. 308	81	Alabama Unemployment Comp. Act to redefine wages
H. B. 669	70	Education
H. B. 457	42	Mail
H. B. 259	18	Vacancies of office of Supt.
H. B. 19	54	Election Officials
H. B. 151	33	Locator's Office, Parent
H. B. 488	19	Medical Services Admn.
H. B. 179	71	Surplus notes
H. B. 178	70	Comm. of Insurance

On motion of Mr. McDonald, said Resolution was adopted by the Senate.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Senate Resolution and ordered same returned to the Senate with a favorable report, to-wit:

S. R. 211. FOR CONSIDERATION OF THE RECOMMITMENT OF H. B. 630.

Mr. Hall moved that further consideration of the Resolution, S. R. 211, be indefinitely postponed, which motion was lost.

On motion of Mr. Hall, further consideration of the Resolution, S. R. 211, was postponed temporarily.

RESOLUTION

Mr. Weeks offered the following Senate Joint Resolution, to-wit:

S. J. R. 215. TO CREATE AN INTERIM COMMITTEE TO STUDY INTERIM COMMITTEES

WHEREAS, the sponsor of this resolution loves the gay life in Montgomery with its abundance of parties, wine, whiskey, good food, dancing girls and well-heeled lobbyists; and

WHEREAS, it gets very boring at home with "Mama" and the kids and the hometown voters where you have to live at the "foot of the cross" and be a deacon in the church and/or pillar of the community; and

WHEREAS, work on an "Interim" committee is a vehicle to alleviate this crushing boredom and allows the sponsor and 5 or 6 of his legislative drinking buddies and playmates to visit the bright lights of Montgomery at state expense; and

WHEREAS, every conceivable subject under the sun is already the subject of intensive "study" by other interim committees, leaving only the subject of interim committees themselves to be studied; and

WHEREAS, this is indeed a rich field for study and investigation; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA BOTH HOUSES THEREOF CONCURRING, That there is hereby created the Interim Committee to Study Interim Committees. Each member of the legislature is hereby designated as a full member of said Interim Committee with full rights and privileges thereunto appertaining. The members of the committee shall elect a chairman, vice-chairman and social secretary.

The committee shall be ongoing and everlasting and membership is conferred for life.

Regular meetings of the committee shall be called only by the chairman, vice-chairman or social secretary of the committee, however, "special" meetings and subcommittee meetings may be called by any two or more members at any time.

Each members shall receive all possible legislative pay, per diem, monthly expense allowance, daily expense allowance and travel pay for each day he tends to any business of the committee.

Expenditures of the committee or any member thereof shall constitute a first priority on any funds in the state treasury and shall be paid in preference to appropriations to cover the needs of school children, old folks, good highways or other not as important functions of government.

Which was read and referred to the Standing Committee on Rules.

RECESS

At 6:30 P.M., on motion of Mr. Robertson, the Senate took a recess until 8:30 this evening.

NIGHT SESSION  
 TWENTY-NINTH LEGISLATIVE DAY  
 THURSDAY, MAY 8, 1980

The Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan.

ROLL CALL

Present:

Messrs.:	Figures	Kirkland	Proctor
Bailey	Glass	Lemaster	Robertson
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Clemon	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White

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MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Bailey, the Senate non-concurred in the following House amendment to the Bill, S. B. 533, the title of which is set out in the foregoing Message from the House, to-wit:

SUBSTITUTE FOR S. B. 533

A BILL  
 TO BE ENTITLED  
 AN ACT

To provide that a legal licensed lending institution, a vendor making credit sales or credit leases, any financial institution operating in Alabama or any individual may charge and collect an interest surcharge; and to provide for an alternative maximum allowable interest rate or finance charge to be determined by the prime rate charged by certain banks; to provide for open-end credit plans; and to provide for the termination of the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In addition to other lawful charges under various state laws, and notwithstanding any restrictions thereunder, a legal licensed lending institution, a vendor making credit sales or credit leases, any financial institution operating in Alabama or any individual may, if provided in the contract, charge and collect at the time of making a loan or credit sale or lease, on each contract of loan, sale or lease, an interest surcharge of not more than 2% of the amount financed, not to exceed \$50. In addition to any rebate to which the borrower is otherwise entitled, when any loan upon which an interest surcharge has been charged is prepaid in full by any means within 90 days of date of the loan, the lender shall refund or credit the debtor with a prorata portion of the fee, except that in such event an amount of no less than \$2 may be retained by the lender.

Section 2. As an alternative to any other interest or finance charge allowed by state laws, and any law or regulation to the contrary notwithstanding, a lender, a vendor or lessor in credit sales or leases, any financial institution operating in Alabama or any individual may, in connection with any credit sale or lease or upon any type or class of loan, charge a maximum allowable rate on the amount of such loan, lease or sale, not to exceed two percentage points above the prime rate at the time such loan, lease or sales contract is executed; or if the debt is created under an open-end credit plan, the maximum finance charge in connection therewith shall be 2% per month on the first \$750 or less, and 1½% per month on the excess, of any unpaid balance from time to time thereunder. For the purpose of this act, the prime rate shall be the average of the prime rates reported by the three largest banks in New York City as of the close of business three business days immediately preceding the date on which the loan or sale is made.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. The provisions of this act are cumulative to and not in derogation of rights under other provisions of state or federal law and shall not in any way repeal, amend or modify the provisions of Public Law 96-221 enacted by the Congress of the United States and approved March 31, 1980.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law; provided, however, that the provisions of this act shall become null and void July 1, 1981 and shall have no force and effect unless such provisions are continued by act of the legislature or by joint resolution of the legislature.

#### AMENDMENT TO SUBSTITUTE FOR S. B. 533

On page 3, Section 5, line 13 delete all the following language:

or by joint resolution of the Legislature.

and insert in lieu thereof a period.

and requested a Committee on Conference.

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Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Teague	
Bailey	Goodwin	Robertson	Vacca	
Cook	Gulledge	St. John	Weeks	
deGraffenried	Hall	Smith	White	
Denton	Kirkland	Taylor		—18

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Bailey, Mitchem and Little.

REPORT OF CONFERENCE COMMITTEE

SENATE BILL 558

We, the committee of conferees appointed to reconcile the disagreement between the two houses concerning S. B. 558, have met, considered the matter, and agreed to the following report:

We recommend that both houses adopt the Conference Committee Amendment as follows:

In Section 1, page 2, immediately following subsection (g) on line 6, insert the following subsection (h):

“(h) Clerk of the Circuit Court

Such annual amount as is payable by the state as established under the general laws of the state in § 12-17-92(a), Code of Alabama 1975.

Conferees on the part of the House.

STEVE COOLEY,

WILLIAM C. BOWLING,

TOMMY ED ROBERTS.

Conferees on the part of the Senate.

FINIS E. ST. JOHN, III,

EDWARD D. ROBERTSON,

ROBERT I. GULLEDGE.

CONFERENCE REPORT

On motion of Mr. St. John, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 558. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, “An Act to increase the salaries of certain officials of Cullman County and to provide for the manner of their payment.”

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	St. John
Bailey	Goodwin	Little	Taylor
Barron	Hall	Martin	Teague
Britnell	Harrison	Miller	Vacca
Callahan	Holmes	Mitchem	Weeks
Cook	Keener	Pearson	White
Denton	Kirkland		

—25

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 2. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 2, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 2

Amend S. B. 2, Section 9-102, page 48, lines 5 through 37, and on page 49, lines 5 through 11, by striking said Section 9-102 in its entirety and substituting therefor the following:

§ 9.-102. Driving while under the influence of alcohol or controlled substances.

(a) A person shall not drive or be in actual physical control of any vehicle while:

1. There is 0.10 per cent or more by weight of alcohol in his blood;
2. Under the influence of alcohol;
3. Under the influence of a controlled substance to a degree which renders him incapable of safely driving; or
4. Under the combined influence of alcohol and a controlled substance to a degree which renders him incapable of safely driving.

(b) The fact that any person charged with violating this section is or has been legally entitled to use alcohol or a controlled substance shall not constitute a defense against any charge of violating this section.

(c) Upon first conviction, a person violating this section shall be punished by imprisonment in the county or municipal jail for not more than one year, or by fine of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or by both such fine and imprisonment. In addition, on a first conviction, the court trying the cause may prohibit the person so convicted from driving a motor vehicle upon the highways of this state for a period of not more than six months. First time offenders convicted of driving while under the influence of alcohol shall also be required to complete a DUI court referral program approved by the State Administrative Office of Courts. Neither reckless driving nor any other traffic infraction is a lesser included offense under a charge of driving while under the influence of alcohol or controlled substances.

(d) On a second or subsequent conviction within a five-year period, the person convicted of violating this section shall be punished by a fine of not less than two hundred dollars (\$200) nor more than fifteen hundred dollars (\$1,500) or by imprisonment in the county or municipal jail for not more than one year, or by both such fine and imprisonment. In addition, the director of public safety shall revoke the driving privilege or driver's license of the person so convicted for a period of six months.

(e) All fines collected for violation of this section resulting from arrests by state officers shall be paid into the state general fund; all fines so collected for violations resulting from arrests by county or municipal officers shall be disbursed as is otherwise provided for by law.

#### HOUSE AMENDMENT TO S. B. 2

Further amend S. B. 2, Section 9-103, pages 49, lines 16 and 17 by striking the word drugs where same appear thereon and inserting the words controlled substance; also on page 51, Section 9-103, line 27, strike the word drugs and insert in lieu therefor the words controlled substance.

Further amend S. B. 2, Section 9-106, page 53, lines 35 and 36, by striking the words any narcotic drug or while under the influence of any other drug and insert in lieu therefor the words controlled substance.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Bailey	Hall	McDonald	Smith
Barron	Holmes	Mitchem	Taylor
Cook	Kirkland	Parsons	Vacca
Denton	Lemaster	Proctor	Weeks
Goodwin	Little	Robertson	—22

Nays:

—0

#### REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:



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S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents or charged with a moving vehicle violation on the uniform accident report form. or citation.

Also:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

Also:

S. 152. To provide for the transfer of contributions and creditable service from the Employees' Retirement System of Alabama and/or the Teachers' Retirement System of Alabama to the Judicial Retirement Fund of Alabama; to provide that, if transferred creditable service is used to qualify for retirement under the Judicial Retirement Fund, then the benefits provided thereunder shall be reduced and adjusted and to provide that the provisions of this act shall be cumulative and supplemental.

Also:

S. 174. To provide the manner corporations not of a business nature may amend or alter their charters.

Also:

S. 222. To amend Section 41-16-51 of the Alabama Code of 1975 relating to exemptions from the competitive bid law applicable to local governments so as to correct an error made by the codifiers of the Code in the exemption relating to medical clinic boards.

Also:

S. 243. To amend section 11-81-6 of the Code of Alabama 1975, which pertains to the maturity dates of bonds issued by a municipality or county, and to repeal section 11-81-7 of the said code, which pertains to the same subject.

Also:

S. 456. To amend Section 15-22-2 of the Code of Alabama 1975 which relates to the contributions by parolees and probationers towards the cost of supervision and rehabilitation so as to increase the required contribution amount that must be made by parolees and probationers and exempt from payment certain hardship cases.

Also:

S. 497. To amend Sections 4 and 5 of Act No. 79-808, H. 823, Regular Session, 1979, (Acts of '79, p. 1487) which relates to the financial responsibility for the cost of medical treatment of certain indigent patients.

Also:

S. 587. To amend Sections 34-20-4, 34-20-7 and 34-20-13 of the Code of Alabama 1975, relating to the board of examiners of nursing home administrators so as to alter the composition of the board, provide for an annual license fee, and provide for an annual audit.

Also:

S. J. R. 196. CONGRATULATING WETUMPKA HIGH SCHOOL, STATE 3A BASKETBALL CHAMPIONS.

Also:

S. J. R. 197. MOURNING THE DEATH OF A DEAN BLACKWELL, JR., OF MONTGOMERY, ALABAMA.

Also:

S. J. R. 198. COMMENDING WSFA-TELEVISION IN MONTGOMERY AND MR. DIXON LOVVORN.

Also:

S. J. R. 200. COMMENDING THE RIFLE AND DRILL TEAMS OF ENTERPRISE HIGH SCHOOL.

Also:

S. J. R. 199. CONGRATULATING MR. AND MRS. JAKE B. PURVIS ON THE OCCASION OF THEIR GOLDEN WEDDING ANNIVERSARY.

Also:

S. J. R. 203. COMMENDING MRS. ALICE RHODES, IMMEDIATE PAST PRESIDENT OF THE ALABAMA FEDERATION OF WOMEN'S CLUBS.

Also:

S. J. R. 205. HONORING MRS. LYNN JETER UPON EXPIRATION OF HER TERM OF SERVICE ON THE ENTERPRISE CITY BOARD OF EDUCATION.

Also:

S. J. R. 206. HONORING COMMISSIONER H. H. SUMRALL, JR., FOR EXTRAORDINARY SERVICE TO THE STATE OF ALABAMA.

Also:

S. J. R. 210. CONGRATULATING MISS ELIZABETH LESTER ON HER SELECTION AS "MISS NORTH ALABAMA."

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and Senate Joint Resolutions the titles of which are set out in the foregoing report from the Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 188. To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Vacca, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 188, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 188

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

Be It Enacted by the Legislature of Alabama:

Section I. Section 8-8-5, Code of Alabama 1975, is hereby amended to read as follows:

"§ 8-8-5.

"(a) Any person or persons, corporation not organized for profit, general partnership or partnerships, limited partnership or partnerships, or association whether organized for profit or nonprofit, may agree to pay such rate or rates of interest for the loan or forbearance of money and for any credit sales as such person, corporation not organized for profit, general partnership, limited partnership or association, whether organized for profit or nonprofit, may determine, notwithstanding any law of this state otherwise prescribing or limiting such rate or rates of interest; provided, that the original principal balance of the loan or forbearance of money or credit sales is not less than \$100,000.00 \$5,000.

"(b) As to any such loan or forbearance of money or credit sales made in compliance with subsection (a) of this section, neither such person, corporation not organized for profit, general partnership, limited partnership, association, whether organized for profit or nonprofit, nor their heirs, successors or assigns, nor any surety, guarantor, endorser or any other person, firm, partnership, association or corporation which may become liable, in whole or part, for the payment of the debt and interest agreed to be paid thereon in accordance with the terms hereof, or any extension, amendment or renewal thereof, may raise or claim the defense or benefit of the usury laws or any other law prescribing, regulating or limiting such rate or rates of interest.

"(c) This section shall not apply to any agreement involving the loan or forbearance of money or credit sales where the original principal balance is less than \$1000,000 \$5,000."

"(d) The provisions of this act are cumulative to and not in derogation of rights under other provisions of state or federal law and shall not in any way repeal, amend or modify the provisions of Public Law 96-221 enacted by the Congress of the United States and approved March 31, 1980."

"(e) The provisions of this act as effect loans of \$25,000 or less shall become null and void on December 31, 1981 and shall have no force and effect, unless such provisions are continued by act of the legislature.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 21; Nays 3.

*Yeas:*

Messrs.:	Gulledge	Martin	Taylor	
Bailey	Higginbotham	McDonald	Teague	
deGraffenried	Holmes	Mitchem	Vacca	
Denton	Keener	Proctor	Weeks	
Figures	Kirkland	Smith	White	
Goodwin	Lemaster			—21

*Nays:* Messrs.: Little, Miller, Parsons —3

### SPECIAL ORDER

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 141. Relating to debtor exemptions; providing that the federal exemptions in Section 522(d) of the Bankruptcy Act of 1978 (11 U.S.C. § 522 (d)) are not available to persons residing in this state; providing an effective date.

The Standing Committee on Judiciary reported the following substitute for the Bill, H. B. 141, to-wit:

### COMMITTEE SUBSTITUTE FOR H. 141

#### A BILL TO BE ENTITLED AN ACT

Relating to debtor exemptions; amending Section 6-10-2, Section 6-10-6, Section 6-10-33, Section 6-10-38 and Section 6-10-40 of the 1975 Code of Alabama; providing that the federal exemptions in Section 522(d) of the Bankruptcy Code of 1978 (11 U.S.C. § 522(d)) are not available to persons residing in this state; providing that in Bankruptcy, residents of Alabama shall be entitled only to those exemptions provided under the laws of this state and under federal laws other than Section 522 (d) of said Bankruptcy Code (11 U.S.C. § 522(d)); deeming a mobile home or similar dwelling to be a homestead for homestead exemption purposes; clarifying the allowance of the homestead exemption for a husband and wife; providing a savings clause, providing for severability of the provisions hereof; providing for an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. In cases instituted under the provisions of Title 11 of the United States Code entitled "Bankruptcy", there shall be exempt from the property of the estate of an individual debtor only that property and income which is exempt under the laws of the State of Alabama and under federal laws other than Subsection (d) of Section 522 of said Title 11 of the United States Code.

Section 2. Section 6-10-2 of the Code of Alabama 1975 is hereby amended to read as follows:

"The homestead of every resident of this state, with the improvements and appurtenances, not exceeding in value \$2,000.00 \$5,000.00 and in area 160 acres, shall be, to the extent of any interest he or she may have therein, whether a fee or less estate or whether held in common or in severalty, exempt from levy and sale under execution or other process for the collection of debts during his or her life and occupancy and, if he or she leaves surviving him or her a spouse and a minor child, or children, or either, during the life of the surviving spouse and minority of the child, or children, but the area of the homestead shall not be enlarged by reason of any encumbrance thereon or of the character of the estate or interest owned therein by him or her. When a husband and wife jointly own a homestead each is entitled to claim separately the exemption provided herein, to the same extent and value as an unmarried individual. For purposes of this section and Sections 6-10-38 and 6-10-40, a mobile home or similar dwelling if the principal place of residence of the individual claiming the exemption shall be deemed to be a homestead."

Section 3. Section 6-10-6 of the Code of Alabama 1975 is hereby amended to read as follows:

"The personal property of such resident to the extent of the resident's interest therein, to the amount of \$1,000.00 \$3,000.00 in value, to be selected by him or her, and, in addition thereto, all necessary and proper wearing apparel for himself or herself and family, all family portraits or pictures and all books used in the family shall also be exempt from levy and sale under execution or other process for the collection of debts."

Section 4. Section 6-10-33 of the Code of Alabama 1975 is hereby amended to read as follows:

"When, on a contest of a claim of exemption to personal property, the issue is whether or not the claim is excessive and such issue is found in favor of the plaintiff, it must also be ascertained by the finding of the court or the verdict of the jury, as the case may be, how much and what portion of the property is exempt, describing the same with its value, approximating in value as nearly as practicable \$1,000.00 \$3,000.00, and the residue of the property shall be sold, and out of the proceeds of sale there shall be paid to the defendant an amount which, when added to the value of the property found to be exempt, will make the exemption equal to \$1,000.00 \$3,000.00, and the balance shall be applied to the payment of the costs and satisfaction of the process."

Section 5. Section 6-10-38 of the Code of Alabama 1975 is hereby amended to read as follows:

"(a) If, on the trial of a contest of a claim of homestead exemption, it is found that the homestead as claimed exceeds \$2,000.00 \$5,000.00 in value (or if a husband and wife have both claimed the exemption to which each is entitled, \$10,000.00), or 160 acres in area, the court shall forthwith issue an order to the sheriff, returnable in 30 days thereafter, commanding him to summon three disinterested householders or freeholders of the county in which the homestead is situated, who, after having been sworn by the sheriff or some officer authorized to administer oaths to faithfully discharge their duty, shall, if practicable, set off and allot, by metes and bounds, the homestead exempt to the defendant from levy and sale under process, having regard both to the quality and value of the real estate and to the selection of the defendant and taking land most contiguous to the dwelling, and including

such dwelling and appurtenances. The commissioners, as soon as practicable, shall make return of the homestead so allotted and set off by them, in writing subscribed by them, to the sheriff, who shall make due return thereof to the court issuing the order; and the homestead, thus allotted and set off, shall be released from the levy and the residue of the land sold under the order of the court, unless for good cause shown, the courts shall set aside the commissioners' return, in which event another order for summoning commissioners shall be issued. If the commissioners summoned, or any of them, shall fail to act, the sheriff shall summon others to fill their places.

(b) If the homestead, after having been reduced to its lowest practicable area, still exceeds in value \$2,000.00 \$5,000.00 (or if a husband and wife have both claimed the exemption to which each is entitled, \$10,000.00) thereby rendering it impracticable to allot and set it off under subsection (a) of this section, the commissioners shall so make return to the sheriff, who shall thereupon proceed, as in other cases, to advertise and offer the same for sale under the process. If at the sale he receives a bid therefor exceeding \$2,000.00 (\$5,000.00 (or if a husband and wife have both claimed the exemption to which each is entitled, \$10,000.00) he shall sell the same, and of the purchase money \$2,000.00 \$5,000.00 shall be paid to the defendant (or if a husband and wife have both claimed the exemption, \$5,000.00 paid to each), or into the court for him or her, in lieu of the homestead, and the excess only shall be applied to the satisfaction of the process; but if no bid in excess of \$2,000.00 \$5,000.00 (or if a husband and wife have both claimed the exemption to which each is entitled, \$10,000.00) shall be received, the sheriff shall discharge the levy at the plaintiff's cost and return the process, and thereafter no process issued to enforce the plaintiff's demand shall be levied on such homestead so long as it shall continue a homestead except on the written demand of the plaintiff accompanied by an offer in writing to purchase the same for an amount exceeding \$2,000.00 \$5,000.00 (or if a husband and wife have both claimed the exemption to which each is entitled, \$10,000.00), which offer must state the amount and, at the election of the defendant, shall be binding on the plaintiff.

(c) When a sale is made under subsection (b) of this section and the any defendant dies before receiving the \$2,000.00 their \$5,000.00 standing in lieu of the homestead, the same shall be paid to his or her personal representative, who shall receive and hold it subject to the homestead rights of the defendant's surviving spouse and minor child or children, or either, if there be such; but, if there be none such, the personal representative shall first apply the same to the payment of the demand for the enforcement of which the process issued, and the balance he shall administer as personal assets of the estate."

Section 6. Section 6-10-40 of the Code of Alabama 1975 is hereby amended to read as follows:

"When the homestead, after being reduced to the lowest practicable area, exceeds \$2,000.00 \$5,000.00 in value and the husband or wife has aliened the same by deed, mortgage or other conveyance without the voluntary signature and assent of the spouse, shown and acknowledged as required by law, the alienor or, if he or she fails to act, the spouse or, if there is no spouse or if he or she fails to act, their minor child or children may, by filing a complaint, have the land sold and the homestead interest separated from that of the alienee."

Section 7. Savings clause. The provisions of this Act are cumulative, and are in addition to those presently or hereafter provided for in other law or rule of procedure, and shall not be construed to repeal or supersede any laws not directly inconsistent herewith.

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Section 8. If any provision, section or subsection of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, sections, subsections or applications of this act that which can be given effect without the invalid provisions, sections, subsections or applications, and to this end the provisions of this Act are hereby declared severable.

Section 9. This Act shall take effect immediately upon its passage and approval by the Governor or its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Smith
Bailey	Hall	McDonald	Taylor
Barron	Harrison	Miller	Teague
Britnell	Higginbotham	Proctor	Vacca
Cook	Holmes	Robertson	Weeks
deGraffenried	Kirkland	St. John	White
Denton	Lemaster		

—25

*Nays:* —0

And said Bill, H. B. 141, as thus amended by the substitute, was read a third time at length and passed.

Yeas 22; Nays 1.

*Yeas:*

Messrs.:	Harrison	McDonald	Smith
Bailey	Higginbotham	Miller	Taylor
Figures	Holmes	Mitchem	Vacca
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Little	Proctor	White
Hall	Martin	St. John	

—22

*Nays:* Mr. Robertson —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 346. To amend Sections 41-10-20 and 41-10-27 of the Code of Alabama 1975, as amended by Act No. 99, H. 23 of the 1978 Second Special Session (Acts 1978, Vol. III, p. 1807), relating to the terms and conditions for grants made by the state industrial development authority, so as to further provide for the authority and criteria for making grants and to include certain airport authorities within the definition of grantee.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Higginbotham, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 346, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE SUBSTITUTE FOR S. B. 346

A BILL  
TO BE ENTITLED  
AN ACT

To amend sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975 to be eligible recipients of funds and assistance from the state industrial development authority.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 41-10-20 of the Code of Alabama 1975 is hereby amended to read as follows:

"§ 41-10-20. When used in this article, the following terms shall have the following meanings, respectively, unless the context clearly indicates otherwise:

"(1) **AUTHORITY.** The public corporation organized pursuant to the provisions of this article.

"(2) **BOARD OF DIRECTORS.** The board of directors of the authority.

"(3) **BONDS.** The bonds issued under the provisions of this article.

"(4) **GRANTEE.** A county, municipality or local industrial development board organized as a public corporation in this state, or an airport authority organized as a public corporation in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, to which a grant of money is made as provided in section 41-10-26.

"(5) **INDUSTRIAL SITES.** Land owned by a grantee or potential grantee on which industrial facilities have been or will be constructed for sale or lease to an individual, private association or private corporation.

"(6) **NOMINAL TRANSFEREE.** Any person to whom a grantee transfers one or more industrial sites or any part of any thereof for less than fair market value and any person who derives title to such industrial sites or any part of any thereof through such a transferee.

"(7) **PERSON.** Unless limited to a natural person by the context in which it is used, such term includes a private firm, a private association, a public or private corporation, a municipality, a county or an agency, department or instrumentality of the state or of a county or municipality.

"(8) **PREPARATION OF INDUSTRIAL SITES.** The grading and draining of industrial sites and the means of access thereto.

"(9) **STATE.** The state of Alabama."

Section 2. Section 41-10-26 of the Code of Alabama 1975 is hereby amended to read as follows:



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"§ 41-10-26. The authority shall have the following powers:

"(1) To have succession by its corporate name until dissolved as provided in this article;

"(2) To institute and defend legal proceedings in any court of competent jurisdiction and proper venue; provided that the authority may not be sued in any trial court other than the courts of the county in which is located the principal office of the authority; provided further, that the officers, directors, agents and employees of the authority may not be sued for actions in behalf of the authority in any trial court other than the courts of the county in which is located the principal office of the authority;

"(3) To have and to use a corporate seal and to alter the seal at pleasure;

"(4) To establish a fiscal year;

"(5) To anticipate by the issuance of its bonds the receipt of the revenues appropriated and pledged in this article;

"(6) To pledge the proceeds of the appropriations and pledges provided for in this article as security for the payment of the principal of and interest on its bonds;

"(7) To make surveys to determine suitable locations in the state for prospective industries;

"(8) To make surveys to determine the availability of labor in various parts of the state and to classify such labor in terms of skills and educational level;

"(9) To assist counties, municipalities and or local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, in the survey and analysis of their industrial resources and needs;

"(10) To make grants of money to counties, municipalities and local industrial development boards organized as public corporations in the state, or airport authorities organized as public corporations in this state pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975, for the purposes and subject to the terms and conditions set forth in section 41-10-27; and

"(11) To appoint and employ such attorneys and agents as the authority may require for the carrying out of its corporate purposes and the exercise of the foregoing powers."

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	Smith
Bailey	Holmes	McDonald	Taylor
Denton	Keener	Miller	Teague
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Little	Proctor	White
Hall			

—20

Nays:

—0

## BILLS ON THIRD READING RESUMED

On motion of Mr. Martin, the Rules were suspended and the Bill:

H. 1077. To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

was taken up.

And said Bill, H. B. 1077, was read a third time at length and passed.

Yeas 31; Nays 1.

*Yeas:*

Messrs.:	Figures	Kirkland	Pearson
Bailey	Glass	Lemaster	Proctor
Barron	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Smith
Callahan	Hall	McDonald	Taylor
Cook	Higginbotham	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks

—31

*Nay:* Mr. White

—1

Mr. Martin moved that the Senate reconsider the vote by which the Bill, H. B. 1077, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

The Bill:

H. 36. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

was taken up.

The Standing Committee on Banking and Insurance reported the following amendment to the Bill, H. B. 36, to-wit:

## COMMITTEE AMENDMENT TO H. B. 36

Amend House Bill 36 in Section 5-7-22 on Page 67, line 32, by inserting the following:

"At the time when such conversion of the national bank into a state bank, under the charter of the latter, becomes effective, all the property of the national bank, including all its rights, title and interest in and to all property of whatsoever kind, whether real, personal or mixed, and things in action, and every right, privilege, interest and asset of any conceivable value or

benefit then existing, belonging or appertaining to it or which would inure to it, shall immediately, by act of law and without any conveyance or transfer and without any further act or deed, be vested in and become the property of the state bank, which shall have, hold and enjoy the same in its own right as fully and to the same extent as if the same were possessed, held and enjoyed by the national bank.

Upon such conversion becoming effective, the state bank shall be deemed to be a continuation of the entity and of the identity of the national bank and all the rights, obligations and relations of the national bank to or in respect to any person, estate, creditor, depositor, trustee or beneficiary of any trust and in, or in respect to, any executorship or trusteeship or other trust or fiduciary function shall remain unimpaired. The state bank as of the time of the taking effect of such conversion, shall succeed to all such rights, obligations, relations and trusts and the duties and liabilities connected therewith and shall execute and perform each and every such trust or relation in the same manner as if the state bank had itself assumed the trust or relation, including the obligations and liabilities connected therewith. If the national bank is acting as administrator, co-administrator, executor, co-executor, trustee or co-trustee of or in respect to any estate or trust being administered under the laws of this state, such relation, as well as any other or similar fiduciary relations, and all rights, privileges, duties and obligations connected therewith shall remain unimpaired and shall continue into and in said state bank from and as of the time of the taking effect of such conversion, irrespective of the date when any such relation may have been created or established and irrespective of the date of any trust agreement relating thereto or the date of the death of any testator or decedent whose estate is being so administered. Nothing done in connection with the conversion of a national bank into a state bank shall in respect of any such executorship, trusteeship or similar fiduciary relation, be deemed to be or to effect, under the laws of this state, a renunciation or revocation of any letters of administration or letters testamentary pertaining to such relation, nor a removal or resignation from any such executorship or trusteeship or other fiduciary relationship, nor shall the same be deemed to be of the same effect as if the executor or trustee or other fiduciary had died or otherwise become incompetent to act.

Any reference to the national bank in any contract, will or document shall be considered a reference to the state bank unless expressly provided to the contrary in the contract, will or document."

Which was adopted.

Yeas 15; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Smith
Cook	Hall	Kirkland	Taylor
Denton	Harrison	Lemaster	Weeks
Goodwin	Holmes	Parsons	White

—15

*Nays:*

—0

Mr. Harrison offered the following amendment to the Bill, H. B. 36, as amended, to-wit:

## AMENDMENT TO H. B. 36 AS AMENDED

Amend H. 36 as last amended as follows:

On page 16, delete in their entirety lines 24 and 25 and insert in lieu thereof the following:

The banking board shall hold its meetings within the state; provided, however, the banking board may hold a meeting without the state only if so required by the federal agency regulating banks.

Which was adopted.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	St. John
Barron	Gulledge	Kirkland	Smith
Cook	Hall	Miller	Taylor
deGraffenried	Harrison	Parsons	Weeks
Denton	Holmes	Robertson	White

—19

*Nays:*

—0

Mr. Kirkland offered the following amendment to the Bill, H. B. 36, as amended, to-wit:

## AMENDMENT TO H. B. 36, AS AMENDED

To amend H. B. 36.

On page 51, line 38, end sentence after the word "bank". On line 38, delete words "only if the bank is furnished a certificate that". On Page 52, delete lines 5, 6, 7, 8, 9, and 10. On line 11, delete words "copy thereof upon such customer." On line 15, end sentence after the word "authority." On line 15, delete words "and if it receives". Delete lines 16, 17, 18, 19, and 20.

Section 5-5-43: Disclosure of customer financial records.

A bank shall disclose financial records of its customers pursuant to a lawful subpoena, summons, warrant or court order issued by or at the request of any state agency, political subdivision, instrumentality, or officer or employee thereof and served upon the bank only if the bank is furnished a certificate that such subpoena, summons, warrant or court order or a certified copy of such court order has also been served upon the customer whose records are being sought, at least ten days prior to the date on which the records are to be disclosed, provided a court of competent jurisdiction, for good cause, may waive service of such subpoena, summons, warrant or court order or certified copy thereof upon such customer. No bank, director, officer, employee or agent thereof shall be held civilly or criminally responsible for disclosure of financial records pursuant to a subpoena, summons warrant or court order which on its face appears to have been issued upon lawful authority and, if it receives such certificate. Prior to making disclosure the bank may require reimbursement for the reasonable costs incurred or to be incurred by it in the course of compliance including, but not limited to, reproduction costs, personnel costs and travel expenses.

Which was adopted.

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Yeas 18; Nays 2.

*Yeas:*

Messrs.:	Gulledge	Kirkland	St. John
Bailey	Hall	Little	Smith
Cook	Harrison	Parsons	Taylor
Denton	Holmes	Proctor	White
Goodwin	Keener	Robertson	

—18

*Nays:* Messrs.: Barron, Weeks. —2

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 594. Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Lemaster, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 594, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 594

Amend Section 1, Page 1, Line 15 to read as follows:

Section 1. The DeKalb County Commission shall furnish additional and sufficient personnel to the County Tax Assessor's office for the purpose of researching and obtaining the name of each county resident that owns a motor vehicle. The name of the owner shall be placed on a separate monthly roster, depending on the first letter of their last name as set forth by Act 70-797. 79-797. This roster shall be completed by the first day of November 1980.

HOUSE AMENDMENT TO S. B. 594

Amend S. B. 594 on page 1, Section 2, lines 33 and 34 by striking the words the applicant's birthday and inserting in lieu thereof, the following:

expiration of the current year's tag or decal

Further amend S. B. 594 on page 2, Section 3, line 5 by striking the words the applicant's birthday and inserting in lieu thereof, the following:

expiration of the current year's tag or decal

Further amend S. B. 594 on page 2, Section 3, line 15 by striking the words applicant's birthday and inserting in lieu thereof, the following:

applicant's tag or decal expiration

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	St. John	
Bailey	Glass	Martin	Smith	
Barron	Hall	McDonald	Taylor	
Callahan	Harrison	Mitchem	Vacca	
Clemon	Higginbotham	Pearson	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

#### FURTHER CONSIDERATION OF H. B. 36

The Senate proceeded to further consideration of the Bill, H. B. 36, as amended.

Messrs. Kirkland and Martin offered the following amendment to the Bill, H. B. 36, as amended, to-wit:

#### AMENDMENT TO H. B. 36, AS AMENDED

Amend Section 5-1-1 of House Bill 36 by adding at the end thereof the following:

"It shall also be known and may be cited as the Gullede—Cates Banking Reform Act of 1980."

Which was adopted.

Yeas 17; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Mitchem	Taylor	
Barron	Hall	Robertson	Vacca	
Cook	Holmes	St. John	White	
Denton	Kirkland			—17

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

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S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-8, relating to regular meetings of the county commission; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 210, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 210

A BILL  
TO BE ENTITLED  
AN ACT

To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 11-3-1, 11-3-4, 11-3-7, 11-3-9, 11-3-18, 11-3-19, 11-3-20, 11-4-23, 11-10-2, 11-12-4, 11-12-13, 11-14-2, 11-14-9, 11-14-19, and 11-14-22, Code of Alabama, 1975 are hereby amended to read as follows:

"§ 11-3-1 Unless otherwise provided by local law, there shall be in every county a county commission, composed of the judge of probate, who shall serve as chairman, and four commissioners, who shall be elected at the time prescribed by law and hold office for four years from the first Monday after the second Tuesday in January next succeeding their election and until their successors are elected and qualified.

§ 11-3-4. Unless otherwise provided by local law, each member of the county commission shall be paid for his services the sum of \$4.00 per day while occupied in the discharge of his duties as such member of the county commission and \$.10 per mile in going to and returning from his county commission, and the sum of \$4.00 per day while occupied in the discharge of his duties in letting out, inspecting and accepting, building or repairing any of the county bridges or county buildings, roads or works and \$.10 per mile for each mile necessarily traveled by him in so doing, said sums to be paid on warrants drawn on the county treasury on the order of the county commission. No allowance shall be made to any commissioner for per diem or mileage for inspecting roads, bridges, etc., except when acting under authority of an order by the county commission previously made. The per diem and mileage of such member for services rendered when letting out, inspecting and accepting, building or repairing any of the county bridges, roads or works shall be paid out of any money in the county treasury which shall be designated and set apart by the county commission for the payment thereof; provided, that this section shall not operate to repeal any local law affecting any county with respect to the matters contained in this section; provided further, however, that any other provisions of any general, special or local law to the contrary notwithstanding, in the discretion of the county commission the said per diem and mileage may be paid out of the county gasoline tax revenues when said per diem or mileage is incurred by a member while occupied in the discharge of his duties in inspecting, accepting, building, repairing or supervising any of the county roads or bridges.

"§ 11-3-7. The meetings of the county commission may be held by the judge of probate chairman of the county commission and two commissioners or by three commissioners without the judge of probate. chairman, unless otherwise provided by local law.

"§ 11-3-9. In cases where officers are to be appointed or vacancies supplied or any other special duty required by law to be performed, a special meeting must be held, by direction of the judge of probate, chairman of the county commission, upon 10 5 days notice by advertisement in some newspaper in the county, or by posting up at the courthouse door and two other public places in the county notice of the same.

"§ 11-3-18. The judge of probate chairman of the county commission must record the proceedings at meetings of the county commission, make all necessary orders and issue all process necessary to sustain its jurisdiction or maintain its authority.

"§ 11-3-19. When the judge of probate is chairman and a meeting of the county commission is held without the attendance of the judge of probate, a special clerk who must be paid by the judge of probate must be appointed for such meeting., unless otherwise provided by local law.

"§ 11-3-20. Unless otherwise provided by local law, the chairman of the county commission shall preside over county commission meetings, provided however, the chairman may appoint another member of the county commission to preside in his absence unless the county commission directs otherwise. In all matters where the county commission is divided, the same must be determined by the judge of probate. chairman of the county commission.



"§ 11-4-23. It shall be the duty of the county treasurer:

"(1) To receive and keep the money of the county and disburse the same as below stated:

"(a) To pay out of the general fund of the county, on presentation and without being audited and allowed by the county commission, all grand and petit juror certificates and to pay all other claims against the general funds that must be allowed and audited only after they have been audited and allowed and a warrant has issued therefor, but only to the extent so allowed, any warrant to the contrary notwithstanding, and in making payments from said fund he shall observe the order of preference as prescribed by section 11-12-15.

(b) To keep in well-bound books separate registers of claims presented against the general fund, the special fund if any and the fine and forfeiture fund.

(c) To number and register in the order in which they are presented all claims against the general fund which have been audited and allowed by the county commission as claims against such fund, such register to show the number of the claim, the date presented for registration, to whom allowed, when allowed, the character of the claim and the amount thereof and, except as otherwise provided by law, to pay the same in order of their registration. He must in like manner number, register and pay all claims allowed against a fund raised for a special purpose.

(d) To number and register in the order in which they are presented all claims against the fine and forfeiture fund which have been duly authenticated as claims against such fund and without being audited and allowed by the county commission, such register to show the number of the claim, the date presented for registration, to whom payable, when it accrued, the character of the claim and the amount thereof and to pay the registered claims of state witnesses in the order of their registration, and, whenever there is a surplus of such fund over and above the sum required to pay the registered the county during the preceding year and of all claims received by him in lieu of money which are receivable in payment of county taxes, which statement must designate the time and person from whom such moneys or claims were received.

"(6) To keep his office within one mile of the courthouse of the county.

"(7) To perform such other duties as are or may be by law required of him.

"§ 11-10-2. Such loans shall not be in an amount greater than \$100,000.00 \$200,000.00 per year and may bear interest not to exceed six nine percent per annum.

"All such loans shall mature not later than February 1 of the year following that in which the loan is made and may be renewed only upon payment of all interest then due, together with not less than 10 percent of the principal then outstanding., provided, that once a temporary loan or loans in the amount of \$100,000.00 has been made under the authority of this chapter, no further temporary loans may be so made until such time as all of such original indebtedness has been fully repaid, and the renewal, refunding or refinancing of such original indebtedness shall not be considered as repayment thereof within the meaning of this section.

No proceeds from any loans made under the provisions of this chapter shall be used for any purpose other than that for which the general funds of the county may now be used.

"§ 11-12-4. The county commission must audit all claims against the county, and every claim or such part thereof as is allowed must be registered in a book kept for that purpose and the judge of probate chairman of the county commission must give the claimant a warrant on the treasury for the amount so allowed, but bonds and interest coupons evidencing interest on such bonds lawfully issued by the county shall not be required to be registered or to be proved nor shall warrants be required to issue therefor, but, in addition to all other privileges, shall be held to enjoy all the privileges of registered warrants from the date of their lawful issue and shall be held to be allowed claims from the date of their lawful issue.

"§ 11-12-13. It is the duty of the sheriff to furnish the circuit court and county commission necessary lights and fuel during their sessions, and therefore the county commission must, upon the presentation of an account by him, properly verified, make to him reasonable compensation and, for the amount allowed, the judge of probate must draw a warrant on the treasury of the county, commission to provide proper utilities to all offices in the courthouse as may otherwise be authorized by law.

"§ 11-14-2. The county commission shall have control of all property belonging to the county and may, by an order to be entered on its minutes, direct the disposal of any real property which can be lawfully disposed, and direct the probate judge chairman of the county commission to make titles thereto and a conveyance made by the probate judge chairman of the county commission in accordance with such order invests the grantee with the title of the county.

"§ 11-14-9. The sheriff county commission has charge of the courthouse and the sheriff, at the direction of the county commission, must prevent trespasses, and keep out intruders. and keep it and the ground attached thereto in order, reporting from time to time the repairs required to the county commission.

"§ 11-14-19. If there is a necessity, and delay until the regular meeting of the county commission may be of injury to the health of the prisoners confined in the county jail, it is the duty of the judge of probate chairman of the county commission to appoint a day for the meeting of the county commission, of which, if practicable, five days' notice must be given to each commissioner, which notice must be in writing, signed by the judge chairman and must be served by the sheriff.

"§ 11-14-22. It is the duty of the judge of probate and the clerk of the circuit court, The chairman of the county commission and the probate judge are hereby authorized and empowered, once each week, without informing the sheriff or jailer of the time when such visit will be made, to visit and examine the condition of the jail, to make a memorandum in writing of such examination and to report under oath such examination to the grand jury."

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

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Section 3. This Act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law. Provided however, the provisions of Section 1 of this Act which amends § 11-3-4, Code of Alabama, 1975, shall become effective on the first day of the next term of office for any such office affected thereby.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Barron	Gulledge	Miller	Taylor
Callahan	Hall	Mitchem	Teague
Clemon	Harrison	Parsons	White
Cook	Holmes	Robertson	

—18

*Nays:* —0

FURTHER CONSIDERATION OF H. B. 36

The Senate proceeded to further consideration of the Bill, H. B. 36, as amended.

And said Bill, H. B. 36, as amended, was read a third time at length and passed.

Yeas 22; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Miller	Smith
Bailey	Gulledge	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Cook	Holmes	Proctor	Vacca
deGraffenried	Keener	Robertson	White
Denton	Kirkland	St. John	

—22

*Nay:* Mr. Little —1

Mr. Gulledge moved that the Senate reconsider the vote by which the Bill, H. B. 36, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

BILLS ON THIRD READING RESUMED

On motion of Mr. Barron, the Rules were suspended and the Bill:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

was taken up.

Mr. Barron offered the following amendment to the Bill, H. B. 571, to-wit:

AMENDMENT TO H. 571

On page 2, line 7, delete the figure "8½%" and insert in lieu thereof the following:

10%

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Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	Parsons
Bailey	Glass	Holmes	Proctor
Barron	Goodwin	Keener	Smith
Callahan	Gulledge	Little	Vacca
Cook	Hall	Martin	Weeks
deGraffenried	Harrison	Mitchem	White

—23

*Nays:*

—0

And said Bill, H. B. 571, as thus amended, was read a third time at length and passed.

Yeas 33; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Pearson	Weeks
Denton	Kirkland	Proctor	White
Glass	Lemaster		

—33

*Nays:*

—0

On motion of Mr. Proctor, the Rules were suspended and the Bill:

H. 473. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

was taken up.

On motion of Mr. McDonald, further consideration of the Bill, H. B. 473, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 141. Relating to debtor exemptions; amending Section 6-10-2, Section 6-10-6, Section 6-10-33, Section 6-10-38 and Section 6-10-40 of the 1975 Code of Alabama; providing that the federal exemptions in Section 522(d) of

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the Bankruptcy Code of 1978 (11 U.S.C. § 522(d)) are not available to persons residing in this state; providing that in Bankruptcy, residents of Alabama shall be entitled only to those exemptions provided under the laws of this state and under federal laws other than Section 522(d) of said Bankruptcy Code (11 U.S.C. § 522(d)); deeming a mobile home or similar dwelling to be a homestead for homestead exemption purposes; clarifying the allowance of the homestead exemption for a husband and wife; providing a savings clause, providing for severability of the provisions hereof; providing for an effective date.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 247. To amend Section 12-12-31 of the Code of Alabama 1975 providing for small claims actions so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 247, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 247

On page 2, add a new Section 3 and renumber all subsequent Sections accordingly:

"Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the parts which remain."

HOUSE AMENDMENT TO S. B. 247

Amend S. B. 247, Section 1, page 2, by adding subparagraph (e) thereto at (line 17) the following:

(e) No action may be filed or prosecuted on the small claims docket by any individual whose license to practice law, at the time of filing or prosecution, has been revoked, suspended or otherwise impaired for disciplinary reasons by the Alabama Board of Bar Commissioners or the Alabama Supreme Court.

Yeas 20; Nays 0.

Yeas:

Messrs.:	Higginbotham	Martin	Smith
Bailey	Holmes	McDonald	Taylor
Denton	Keener	Miller	Teague
Goodwin	Kirkland	Parsons	Weeks
Gulledge	Little	Proctor	White
Hall			

Nays:

—20

—0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 2. To be known as the Alabama Rules of the Road Act, providing rules of highway and traffic safety, establishing general rules relating to the effect of traffic laws, establishing certain traffic laws and penalties for the violation thereof, providing for the establishment of traffic signs, signals and markings, and providing for certain powers of the state highway department and the department of public safety of this state; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

Also:

S. 188. To amend Section 8-8-5, Code of Alabama 1975, which relates to certain loans to which the usury laws do not apply, so as to alter the minimum principal balance of such loans.

Also:

S. 246. To amend Section 40-12-250, Code of Alabama 1975, which provides for special license plates for motor vehicles owned and used by the state, county or municipality, so as to change the lettering on vehicles owned by municipal corporations or municipal boards.

Also:

S. 346. To amend sections 41-10-20 and 41-10-26 of the Code of Alabama 1975, relating to industrial development authorities, so as to authorize airport authorities organized pursuant to Chapter 3 of Title 4 of the Code of Alabama 1975 to be eligible recipients of funds and assistance from the state industrial development authority.

Also:

S. 594. Relating to DeKalb County; providing an optional and alternative method of assessing and paying taxes on and issuing license tags for motor vehicles in such county.

ALBERT McDONALD,  
Chairman.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

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S. 558. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 287. To impose a \$.04 per gallon tax on gasoline, motor fuel and lubricating oil as defined in Sections 40-17-30, 40-17-1 and 40-17-170, Code of Alabama, 1975 respectively; to provide for certain exemptions from the excise tax; to provide for the distribution and use of the gasoline, motor fuel and lubricating oil tax revenues collected from the sale of such products; to provide for the Commissioner of Revenue to collect the tax and enforce provisions of the Act.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-142, relating to credit of payment of gasoline and motor fuel taxes; and § 40-17-155, relating to penalties.

JOHN W. PEMBERTON,  
Clerk.

RESOLUTION

Mr. deGraffenried offered the following Senate Joint Resolution, to-wit:

S. J. R. 216. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there be and hereby is established in Tuscaloosa County The Tuscaloosa County Elected and Appointed Officials Salary Commission, hereinafter referred to as "The Commission."

The Commission shall be composed of seven (7) members: two members from government; four members from business including: one lawyer, one proprietor, one salary administrator, one personnel manager; and one educator. The Commission members shall be appointed in the following manner: three by the Tuscaloosa City governing body, three by the Tuscaloosa County governing body, and one by the Tuscaloosa County Legislative Delegation.

The chairman shall be selected by the membership and he shall preside over all meetings. The Commission shall make its own rules for the conduct of its business. The initial meeting shall be held within thirty days after the last appointment is made and thereafter at the call of the chairman and within the rules of The Commission. Members of The Commission shall serve without compensation and their terms shall expire on January 1, 1982, at which time The Commission members shall stand discharged from any further duties.

The general purpose of The Commission is to provide information and recommendations regarding salaries and compensation of all elected and appointed city and county officials and all city and county employees within Tuscaloosa County. The specific objectives of The Commission shall be prescribed by the Tuscaloosa County Legislative Delegation.

On motion of Mr. deGraffenried, the Rules were suspended and the Resolution was adopted by the Senate.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a Committee on Conference on the disagreement of the two Houses on the House amendment to the Senate bill:

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

And the Speaker of the House has appointed as a Committee on the part of the House Messrs. Gafford, Adams (C) and Coburn.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 141. Relating to debtor exemptions; amending Section 6-10-2, Section 6-10-6, Section 6-10-33, Section 6-10-38 and Section 6-10-40 of the 1975 Code of Alabama; providing that the federal exemptions in Section 522(d) of the Bankruptcy Code of 1978 (11 U.S.C. § 522(d)) are not available to persons residing in this state; providing that in Bankruptcy, residents of Alabama shall be entitled only to those exemptions provided under the laws of this state and under federal laws other than Section 522(d) of said Bankruptcy Code (11 U.S.C. § 522(d)); deeming a mobile home or similar dwelling to be a



homestead for homestead exemption purposes; clarifying the allowance of the homestead exemption for a husband and wife; providing a savings clause, providing for severability of the provisions hereof; providing for an effective date.

Also:

H. 287. To impose a \$.04 per gallon tax on gasoline, motor fuel and lubricating oil as defined in Sections 40-17-30, 40-17-1 and 40-17-170, Code of Alabama, 1975 respectively; to provide for certain exemptions from the excise tax; to provide for the distribution and use of the gasoline, motor fuel and lubricating oil tax revenues collected from the sale of such products; to provide for the Commissioner of Revenue to collect the tax and enforce provisions of the Act.

Also:

H. 648. To amend Title 40, Code of Alabama, 1975 relating to the motor carrier fuel tax; and to specifically amend the following sections: § 40-17-140, relating to definitions pertaining to the motor carrier fuel tax; § 40-17-142, relating to credit of payment of gasoline and motor fuel taxes; and § 40-17-155, relating to penalties.

Also:

H. 1077. To levy an additional franchise tax on domestic and foreign corporations; to provide for the distribution of the proceeds of said tax and to provide that the provisions of this Act shall be effective only for the fiscal year of 1980-1981.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Also:

S. 490. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per

bushel or barrel as is generally recognized in the present-day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

Also:

S. 197. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

Also:

S. 510. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF CONFERENCE COMMITTEE  
SENATE BILL 533

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning Senate Bill 533, have met, considered the matter, and agreed to the following:

We recommend that the Conference Committee Amendment be adopted. Conference Committee Amendment is as follows:

Amend Banking Committee Substitute to Senate Bill 533, Section 1, Page 2, line 8, after the word "exceed" by striking \$50 and inserting in lieu thereof \$20.

Further amend the bill, Page 2, Section 2, Line 25, after the word "be" by striking 2% and inserting in lieu thereof 1¾%.

ROBERT C. GAFFORD,  
CHARLES H. ADAMS,  
TOM C. COBURN,  
Conferees of the House.  
CHIP BAILEY,  
T. D. "TED" LITTLE,  
HINTON MITCHEM,  
Conferees of the Senate.

CONFERENCE REPORT

On motion of Mr. Bailey, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or leases, any financial institution operating in Alabama or any individual may charge and collect a maximum allowable interest rate, and to provide for the termination of its provisions.

Yeas 20; Nays 1.

*Yeas:*

Messrs.:	Goodwin	McDonald	Smith
Bailey	Higginbotham	Miller	Taylor
Britnell	Lemaster	Mitchem	Vacca
Callahan	Little	Proctor	Weeks
Denton	Martin	St. John	White
Glass			

—20

*Nay:* Mr. Parsons —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 357, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 357

Amend S. B. 357, as follows:

Delete the second paragraph of Section 9 of S. B. 357, and insert in lieu thereof the following:

"Bonds shall be issued in series, each of which shall be separately designated in the proceedings authorizing their issuance. The Board of Directors in the proceedings authorizing a series of Bonds (other than refunding Bonds) shall specify the purposes for which the proceeds of such series shall be used. The proceeds of a series of Bonds shall be used either for making, directly or indirectly, Single Family Mortgage Loans or for making, directly or indirectly Multi-Family Mortgage Loans, and the proceeds of a single series of Bonds shall not be used for both Single Family Mortgage Loans and Multi-Family Mortgage Loans. Separate series of Bonds may be issued at the same time. No series of Bonds the proceeds of which are to be used for Multi-Family Mortgage Loans shall be actually issued prior to January 1, 1981, although the Authority may enter into agreements or commitments with regard to the issuance of such Bonds prior to January 1, 1981."

HOUSE AMENDMENT TO S. B. 357

On page 20, line 34, delete Section 17 in its entirety and renumber remaining sections accordingly.

HOUSE AMENDMENT TO S. B. 357

On page 22, Section 21, after the words "Conflict of Interest." delete the entire section and insert in lieu thereof the following:

The entire board of directors, the officers and employees of the authority are hereby subject to the Alabama Ethics Law and to the rules and promulgations by the Alabama Ethics Commission.

HOUSE AMENDMENT TO S. B. 357

On page 10, subparagraph (f), delete in its entirety and insert in lieu thereof the following:

(f) There shall be established a Legislative Oversight Committee to provide recommendations to the board concerning efficient operation of the authority. The committee shall consist of seven members of the House of Representatives, one from each congressional district appointed by the Speaker of the House and seven members of the Senate, one from each congressional district appointed by the Lieutenant Governor. The Governor, Lieutenant Governor and Speaker of the House or their designated representative shall serve as ex officio members. The legislative members shall be named at each organizational session and all members shall serve until their successors are properly qualified. All members of this committee shall be entitled to their actual expenses incurred in the performance of their duties as members of the committee.

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HOUSE AMENDMENT TO S. B. 357

On page 9, line 36, following the period after the word "Authority", insert the following:

All proceedings of the board shall be open to the public and all records of the board shall be subject to public inspection during business hours.

HOUSE AMENDMENT TO S. B. 357

On page 20, line 10, beginning with the word "The" delete through line 12.

HOUSE AMENDMENT TO S. B. 357

Amend S. B. 357 on page 20 by deleting Section 16 and inserting in lieu thereof the following:

Section 16. Exemption from Usury and Interest Laws. All securities issued by the Authority shall be exempt from the laws of the State governing usury or prescribing or limiting interest rates, including, but without limitation, the provisions of Chapter 8 of Title 8 of Code of Alabama 1975.

HOUSE AMENDMENT TO S. B. 357

Amend section 5 (a) as follows: at the end of section 5 (a) add the following sentence;

at least one member shall be a member of the minority race

Yeas 23; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Britnell	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
Cook	Holmes	Mitchem	Taylor
deGraffenried	Kirkland	Parsons	Vacca
Denton	Lemaster	Pearson	Weeks

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*Nay:* Mr. White

—1

FURTHER CONSIDERATION OF H. B. 473

The Senate proceeded to further consideration of the Bill, H. B. 473.

Mr. Robertson offered the following amendment to the Bill, H. B. 473, to-wit:

AMENDMENT TO H. B. 473

On page 3, delete Section 7 on lines 21, 22, and 23 and insert in lieu thereof the following new Section 7:

Section 7. This act shall become effective on the beginning of the first state pay period beginning on or after October 1, 1980. It is specifically provided, however, that this act shall not affect the compensation of any officer or employee of any County even though the compensation of such officers was heretofore prescribed by a law, which based such compensation

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on or in some way related it to the compensation of one or more of the positions in the above-listed classifications; provided however, that those county officers and employees who have received pay increases based on the circuit clerks pay may receive not more than 60% of the total increase provided by this act, at the sole discretion of the county governing body after a resolution has been adopted by the county governing body.

RESOLUTION

Mr. Pearson offered the following Senate Resolution, to-wit:

S. R. 217. HONORING MRS. LUCILLE DOUGLASS AYERS FOR OUTSTANDING CITIZENSHIP AND COMMUNITY SERVICE.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 217. To amend Section 35-11-233, Code of Alabama 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 217, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 217

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 35-11-233, Code of Alabama 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 35-11-233, Code of Alabama 1975 is hereby amended to read as follows:

"Section 35-11-233. (1) Any claim for which a lien is provided in this article may be assigned; and the assignee shall thereby be invested with all the rights of the original holder of the lien, and be entitled to all his remedies to enforce them. The assignee shall have the right to consolidate all such claims in one statement to be filed as herein provided; and the length of time for the filing of said claim shall be measured by the greatest length of time for the filing of any class of claims held by the assignee.

"(2) Any lien claimed on real property under this article may be transferred by any person having an interest in the real property upon which the lien is imposed or the contract under which the lien is claimed, from such real property to other security by first filing with the court in which the action is brought, a copy of the lien which has been duly filed and recorded as required by law, and by either:

"(a) Depositing with the court in which the action is brought a sum of money, or

"(b) Filing with the court a bond executed as surety by a surety insurer licensed to do business in this state, either of which shall be in an amount equal to the amount demanded in such claim of lien plus interest thereon at eight per cent per year for three years plus one hundred dollars to apply on any court costs which may be taxed in any proceeding to enforce said lien,

"Such deposit or bond shall be conditioned to pay any judgement or decree which may be rendered for the satisfaction of the lien for which such claim of lien was recorded and costs not to exceed one hundred dollars. Upon making such deposit or filing such bond the court shall make and record a certificate showing the transfer of the lien from the real property to the security and mail a copy thereof by registered or certified mail to the lienor named in the claim of lien so transferred at the address stated therein. Within 10 days from the date of the receipt of the said certificate, the lienor may by motion, petition the court in which the action is pending for a hearing on the sufficiency of the amount in question or on the qualifications of the surety insurer. In such an event, the ruling of the court on the said motion, shall be a final determination. Upon the expiration of the said 10 days, or in the event a petition has been filed with the court, upon the determination of the court; and upon filing the certificate of transfer in the court where the lien was filed, the real property shall thereupon be released from the lien claimed and such lien shall be transferred to said security. The court shall be entitled to a fee for making and serving the certificate in the sum of two dollars. Any number of liens may be transferred to one such security.

"(3) Any excess of the security over the aggregate amount of any judgments or decrees rendered plus costs actually taxed shall be repaid to the party filing the same or his successor in interest. Any deposit of money shall be considered as paid into court and shall be subject to the provisions of law relative to payments of money into court and the disposition of same.

"(4) Any party having an interest in such security or the property from which the lien was transferred may at any time, and any number of times, file a complaint in the circuit court of the county where such security is deposited for an order to require additional security, reduction of security, change or substitution of sureties, payment or discharge thereof or any other matter affecting said security.

"(5) If no proceeding to enforce a transferred lien shall be commenced within the time specified, or if it appears that the transferred lien has been satisfied of record; the court shall return said security upon request of the person depositing or filing the same, or the insurer."

Section 2. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



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Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Hall	McDonald	St. John
Bailey	Harrison	Miller	Smith
Barron	Holmes	Parsons	Taylor
deGraffenried	Lemaster	Pearson	Teague
Denton	Little	Proctor	Vacca
Goodwin	Martin	Robertson	Weeks
Gulledge			—24

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON CONFERENCE ON H. B. 84

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 84, have met and considered the matter referred and beg leave to report as follows:

That the House of Representatives concur with the Senate Amendment.

ALVIN HOLMES,

RONALD E. JACKSON,

GERALD DIAL,

Conferees on the part of the House.

J. RICHMOND PEARSON,

CHARLES BRITNELL,

DEWEY WHITE,

Conferees on the part of the Senate.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE AND CONFERENCE MESSAGE

Mr. Pearson moved that the Senate concur in and adopt the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 84, the title of which and said Conference Report are set out in the foregoing Message from the House.

Mr. Holmes offered a substitute motion that the Senate non-concur in the Committee on Conference Report.

On motion of Mr. Pearson, the motion to non-concur was laid on the table.

*Yeas:*

Messrs.:	Figures	Parsons	Smith	
Britnell	Kirkland	Pearson	Taylor	
Clemon	Lemaster	Proctor	Vacca	
deGraffenried	McDonald	St. John	White	
Denton	Miller			—17

*Nays:*

Messrs.:	Cook	Harrison	Martin	
Bailey	Goodwin	Holmes	Teague	
Barron	Hall	Little	Weeks	
Callahan				—12

The question then recurred on the motion of Mr. Pearson, which motion was adopted, and the Senate concurred in and adopted the Report of the Committee on Conference.

Yeas 19; Nays 11.

*Yeas:*

Messrs.:	Figures	Miller	St. John	
Britnell	Hall	Mitchem	Taylor	
Clemon	Kirkland	Parsons	Vacca	
deGraffenried	Lemaster	Pearson	Weeks	
Denton	McDonald	Proctor	White	—19

*Nays:*

Messrs.:	Callahan	Harrison	Little	
Bailey	Cook	Holmes	Martin	
Barron	Goodwin	Keener	Teague	—11

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

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And request a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Owens, Pegues, and Dial.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Teague, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 571, the title of which is set out in the foregoing Message from the House.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Harrison	Parsons	Teague
Britnell	Kirkland	Pearson	Vacca
Cook	Lemaster	Proctor	White
Denton	Little		

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*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate Messrs. Pearson, Teague and St. John.

BILLS ON THIRD READING RESUMED

On motion of Mr. Denton, the Rules were suspended and the Bill:

H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which

they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

was again taken up.

Mr. Denton offered the following amendment to the Bill, H. B. 925, to-wit:

#### AMENDMENT TO H. B. 925

On page 1, strike line 6 in its entirety and substitute in lieu thereof:

SYNOPSIS: This bill authorizes any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975 to incorporate inland

On page 1, strike lines 18 and 19 in their entirety and substitute in lieu thereof:

authorizing any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975 to incorporate inland port

On page 2, delete the following words found on lines 10 and 11:  
to exempt such corporations from competitive bid laws

On page 2 insert the following new Section 1 and renumber all other sections accordingly:

Section 1. The provisions of this act shall apply only to Class 5 municipalities as defined in Section 11-40-12, Code of Alabama 1975, and the counties in which said municipalities are located.

On page 3, delete line 7 in its entirety and insert in lieu thereof:

(e) "county" means the county in which a Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975, is located.

On page 3, delete lines 12 and 13 in their entirety and substitute in lieu thereof:

(g) "Municipality" means any Class 5 municipality as defined in Section 11-40-12, Code of Alabama 1975.

On page 5, on line 6, after the period, insert the following:

Provided, however, said authority must also be approved by the Alabama State Docks Authority.

On page 21 and 22 delete Section 21 relating to competitive bid law exemption in its entirety and properly renumber the subsequent sections accordingly.

Which was adopted.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:  
Bailey  
Barron

Britnell  
Callahan  
Denton

Goodwin  
Hall  
Higginbotham

Holmes  
Lemaster  
Little

REGULAR SESSION  
29th Day

1957

Martin	Pearson	Smith	Vacca
Miller	Proctor	Taylor	Weeks
Mitchem	Robertson	Teague	White
Parsons			

—24

*Nays:* —0

And said Bill, H. B. 925, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Proctor
Bailey	Hall	Martin	Smith
Barron	Higginbotham	McDonald	Taylor
Britnell	Holmes	Miller	Weeks
Denton	Lemaster	Mitchem	White

—19

*Nays:* —0

On motion of Mr. Smith, the Rules were suspended and the Bill:

H. 98. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

was taken up.

And said Bill, H. B. 98, was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Proctor
Bailey	Goodwin	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Martin	Teague
Callahan	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Mitchem	

—22

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 170. To provide that the State of Alabama shall provide for the personal protection of state employees against civil liability arising out of motor vehicle operation in connection with their employment; to provide for the method of insuring or reimbursing them for the costs of such insurance; and to prohibit any public officer or state employee in a supervisory capacity from requiring any employee to operate a state vehicle unless the employee is so insured.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Barron, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 170, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE SUBSTITUTE FOR S. B. 170

#### A BILL TO BE ENTITLED AN ACT

To provide that the State of Alabama shall provide for the personal protection of state employees against civil liability arising out of motor vehicle operation in connection with their employment; to provide for the method of insuring or reimbursing them for the costs of such insurance.

Be It Enacted by the Legislature of Alabama:

Section 1. Any director or head of a state department, agency, bureau or division shall allow any state employee under his supervision, who operates a motor vehicle in the performance of his duties, whether such employee is in travel status or otherwise, and whether the vehicle is state owned or leased or otherwise, to acquire insurance, in the manner provided in Section 2, insuring such employee against personal liability arising out of and a proximate consequence of the operation of a motor vehicle by such employee in the performance of his duties. Such coverage shall be in an amount or amounts sufficient to satisfy the requirements of the Motor Vehicle Safety Responsibility Act and shall be issued by an insurance company licensed and qualified to do business in this state.

Section 2. The insurance provided under the provisions of this act shall be acquired by the employee by virtue of an additional condition or rider to a policy of insurance under which the state employee is otherwise insured.

Section 3. The department, agency, bureau or division shall reimburse the employee for the actual cost of the required coverage in the form of a rider to the employee's personal policy. The director or head of the state department, agency, bureau or division shall have sufficient proof that the employee's coverage meets the provisions of this act, if current and has been paid before he approves any reimbursement to the employee. Such reimbursement shall not exceed the actual cost of the coverage required nor shall the cost provide for provisions in excess of the Motor Vehicle Safety Responsibility Act. Such reimbursement may be made by warrant issued by the comptroller, and such reimbursement may be claimed as a travel expense item, charged against the department or agency, when approved by the director or head thereof. Such required insurance may be purchased without regard to the competitive bid laws of this state.

REGULAR SESSION  
29th Day

1959

Section 4. The term state employee as used in this act shall not include any teacher or any employee of any institution of higher learning.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	St. John
Bailey	Harrison	McDonald	Smith
Barron	Higginbotham	Miller	Taylor
Cook	Holmes	Mitchem	Teague
Denton	Kirkland	Parsons	Vacca
Glass	Lemaster	Proctor	Weeks
Goodwin	Little	Robertson	White
Gulledge			

—28

*Nays:*

—0

BILLS ON THIRD READING RESUMED

On motion of Mr. Vacca, the Rules were suspended and the Bill:

H. 770. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

was taken up.

And said Bill, H. B. 770, was read a third time at length and passed.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Robertson
Bailey	Gulledge	Martin	St. John
Barron	Hall	McDonald	Taylor
Britnell	Higginbotham	Miller	Vacca
Denton	Holmes	Mitchem	Weeks
Glass	Lemaster	Proctor	White

—23

*Nays:*

—0

On motion of Mr. Bailey, the Rules were suspended and the Bill:

H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 937, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 937

Amend H. 937 as follows:

On page one in lines 25 and 26, delete the words "seventy-five thousand dollars (\$75,000.00)" and insert in lieu thereof the following:  
one hundred thousand dollars (\$100,000.00)

On page one, in Section 1, line 31, after the period, insert the following:  
Provided, however, that any sums recovered and actually collected through any pending legal proceeding by Patricia Rutherford against Walter Dyess shall reduce the said appropriation in a like amount.

Which was adopted.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Goodwin	McDonald	St. John	
Bailey	Gulledge	Miller	Smith	
Barron	Hall	Mitchem	Taylor	
Callahan	Higginbotham	Parsons	Teague	
Cook	Holmes	Pearson	Vacca	
deGraffenried	Lemaster	Proctor	Weeks	
Denton	Little	Robertson	White	
Figures	Martin			—29

*Nays:* —0

And said Bill, H. B. 937, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Robertson	
Barron	Hall	McDonald	St. John	
Callahan	Higginbotham	Miller	Smith	
Cook	Holmes	Mitchem	Taylor	
Denton	Lemaster	Pearson	Teague	
Figures	Little	Proctor	Weeks	
Goodwin				—24

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 339. To provide for a minimum salary for certain probate judges.

JOHN W. PEMBERTON,  
Clerk.



REGULAR SESSION  
29th Day

1961

HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 339, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. 339

Amend S. 339 on page 1 line 21 by striking through the words, "a salary that" and inserting in lieu thereof the words "total compensation"

Also amend page 1 line 26 by striking through the words "as salary that" and inserting in lieu thereof the words "total compensation"

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Harrison	Miller	Smith
Callahan	Holmes	Mitchem	Taylor
Denton	Kirkland	Parsons	Teague
Glass	Lemaster	Proctor	Vacca
Goodwin	Little	Robertson	Weeks
Gulledge	Martin	St. John	White
Hall			

—24

*Nays:* —0

BILLS ON THIRD READING RESUMED

On motion of Mr. Callahan, the Rules were suspended and the Bill:

H. 935. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

was taken up.

And said Bill, H. B. 935, was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	Smith
Bailey	Gulledge	McDonald	Taylor
Barron	Hall	Mitchem	Teague
Callahan	Holmes	Proctor	Vacca
Clemon	Lemaster	Robertson	Weeks
deGraffenried	Little	St. John	White
Denton			

—24

*Nays:* —0

On motion of Mr. Lemaster, the Rules were suspended and the Bill:

H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

was taken up.

Mr. Lemaster offered the following amendment to the Bill, H. B. 555, to-wit:

#### AMENDMENT TO HOUSE BILL 555

Amend the Title and each section of House Bill 555 by adding after the word "municipality" whenever it appears in said bill the words "or county".

Also amend Section 1 of House Bill 555 by adding between lines 14 and 15 the following: "county" means any county in the State of Alabama.

Which was adopted.

Yeas 24; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	Mitchem	Taylor
Callahan	Higginbotham	Parsons	Teague
Clemon	Holmes	Pearson	Vacca
Denton	Lemaster	Proctor	White
Goodwin			

—24

Nays:

—0

And said Bill, H. B. 555, as thus amended, was read a third time at length and passed.

Yeas 26; Nays 0.

Yeas:

Messrs.:	Denton	Hall	Holmes
Bailey	Goodwin	Harrison	Keener
Barron	Gulledge	Higginbotham	Kirkland

REGULAR SESSION  
29th Day

1963

Lemaster	Mitchem	Robertson	Teague	
Little	Parsons	St. John	Weeks	
Martin	Pearson	Smith	White	
McDonald	Proctor	Taylor		—26

*Nays:* —0

On motion of Mr. St. John, the Rules were suspended and the Bill:

H. 458. Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

was taken up.

And said Bill, H. B. 458, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	St. John	
Bailey	Hall	Martin	Smith	
Barron	Harrison	Mitchem	Taylor	
Britnell	Higginbotham	Parsons	Teague	
Callahan	Holmes	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Goodwin	Lemaster			—25

*Nays:* —0

On motion of Mr. Clemon, the Rules were suspended and the Bill:

H. 668. To amend Section 13-6-85 of the Code of Alabama 1975 relating to defacing tombstones, trees and shrubbery so as to provide further for certain criminal offenses involving graveyards and cemeteries and the penalties for such offenses.

was taken up.

And said Bill, H. B. 668, was read a third time at length and passed.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Proctor	
Bailey	Gulledge	Lemaster	Robertson	
Barron	Hall	Little	Smith	
Callahan	Harrison	Martin	Taylor	
Clemon	Higginbotham	Mitchem	Teague	
deGraffenried	Holmes	Parsons	Vacca	
Denton	Keener	Pearson	White	
Figures				—28

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Reed:

H. J. R. 289. HONORING THE COMMODORES, THE PRIDE OF TUSKEGEE, AND THAT CITY'S MUSICAL GIFT TO THE WORLD.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Weeks, the Rules were suspended and the Resolution, H. J. R. 289, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### BILLS ON THIRD READING RESUMED

On motion of Mr. Taylor, the Rules were suspended and the Bill:

H. 261. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

was taken up.

And said Bill, H. B. 261, was read a third time at length and passed.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Proctor
Bailey	Hall	Little	Robertson
Barron	Harrison	Martin	Smith
Callahan	Higginbotham	Miller	Taylor
Clemon	Holmes	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Goodwin	Kirkland	Pearson	White

—27

*Nays:*

—0

On motion of Mr. Higginbotham, the Rules were suspended and the Bill:

H. 204. To provide that county commissions may meet one day the following week if the regular meeting day falls on a legal public holiday, and provides for notice of such meeting.

was taken up.

And said Bill, H. B. 204, was read a third time at length and passed.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Bailey	Hall	Martin	Smith
Barron	Harrison	Miller	Taylor
Callahan	Higginbotham	Mitchem	Teague
deGraffenried	Holmes	Parsons	Vacca
Denton	Keener	Pearson	White
Goodwin	Kirkland	Proctor	

—26

*Nays:*

—0

REGULAR SESSION  
29th Day

1965

FURTHER CONSIDERATION OF H. B. 473

The Senate proceeded to further consideration of the Bill, H. B. 473. The question was on the Robertson amendment.

Mr. deGraffenried offered the following substitute amendment for the Robertson amendment to the Bill, H. B. 473, to-wit:

SUBSTITUTE AMENDMENT FOR THE  
ROBERTSON AMENDMENT TO H. B. 473

On page 3, delete Section 7 on lines 21, 22, and 23 and insert in lieu thereof the following new Section 7:

Section 7. This act shall become effective on the beginning of the first state pay period beginning on or after October 1, 1980. It is specifically provided, however, that this act shall not affect the compensation of any officer or employee of any County even though the compensation of such officers was heretofore prescribed by a law, which based such compensation on or in some way related it to the compensation of one or more of the positions in the above-listed classifications; provided however, that those county officers and employees who have received pay increases based on the circuit clerks pay may receive not more than the total increase provided by this act, at the sole discretion of the county governing body after a resolution has been adopted by the county governing body; and provided however, that at the time any such county officer or employee receives a pay increase, all such county officers and employees shall receive the same amount of increase.

REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor and the Secretary of State, with the date and hour of delivery, to-wit:

S. 38

S. 107

Delivered to the Governor May 8, 1980, at 1:40 P.M.

S. 200.

S. 286.

S. 354.

S. 360.

S. 433.

S. 486.

S. 502.

S. 503.

S. 595.

S. J. R. 182.

S. J. R. 183.

S. J. R. 184.

S. J. R. 185.

S. J. R. 189.

S. J. R. 195.

Delivered to the Governor May 8, 1980, at 4:10 P.M.

S. 103.

S. 573.

S. 598.

Delivered to the Governor May 8, 1980, at 5:00 P.M.

S. 8.

S. 73.

S. 152.

S. 174.

S. 222.

S. 243.

S. 456.

S. 497.

S. 587.

S. J. R. 196.

S. J. R. 197.

S. J. R. 198.

S. J. R. 200.

S. J. R. 199.

S. J. R. 203.

S. J. R. 205.

S. J. R. 206.

S. J. R. 210.

Delivered to the Governor May 8, 1980, at 9:25 P.M.

S. 2.

S. 188.

S. 246.

REGULAR SESSION  
29th Day

1967

S. 346.

S. 594.

Delivered to the Governor May 8, 1980, at 11:20 P.M.

McDOWELL LEE,  
Secretary.

SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

ADJOURNMENT

At 11:55 P.M., on motion of Mr. White, in accordance with Joint Resolution heretofore adopted, and pending further consideration of the Bill, H. B. 473, the Senate adjourned until Monday, May 19, 1980, at 10 o'clock A.M.

## THIRTIETH LEGISLATIVE DAY

MONDAY, MAY 19, 1980

The Senate met pursuant to adjournment, Lieutenant Governor McMillan presiding.

## PRAYER

The Session was opened with prayer by the Reverend Dick Cobb, Minister, Grace United Methodist Church, Auburn, Alabama.

## ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

—34

## JOURNAL

On motion of Mr. St. John, the reading of the Journal of yesterday was dispensed with and same approved by the Senate.

## LEAVE OF ABSENCE

On motion of Mr. St. John, leave of absence was granted Mr. Clemon for today.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 193. To amend Sections 25-8-2, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Taylor, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 193, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 193

Amend S. B. 193, on page 3, line 16 by inserting a period after the word "scaffolding" and deleting the remainder of the sentence.



REGULAR SESSION  
30th Day

1969

Further amend S. B. 193, on page 3, line 18 by inserting a period after the word "trade" and deleting the remainder of the sentence.

Further amend S. B. 193, on page 3, line 25 by striking section (18) in its entirety, and renumbering all remaining sections accordingly.

Further amend S. B. 193, on page 4, line 37 by striking the period after the word "workers" and inserting the following: or domestic service workers.

Further amend S. B. 193, on page 10, line 12 by striking the figure \$500.00 and inserting in lieu thereof the figure \$250.00.

Further amend S. B. 193, on page 10, line 13 by striking the figure \$1,000.00 and inserting in lieu thereof the figure \$500.00.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	deGraffenried	Harrison	Taylor
Barron	Denton	Little	Vacca
Britnell	Goodwin	Miller	Weeks
Callahan	Gulledge	Mitchem	White
Cook	Hall	Parsons	—18

*Nays:* —0

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 77. To make an additional appropriation to the Alabama liquefied petroleum gas board from the Alabama liquefied petroleum gas board fund which is on deposit in the state treasury, for salaries and other expenses for the fiscal year ending September 30, 1980.

Also:

S. 170. To provide that the State of Alabama shall provide for the personal protection of state employees against civil liability arising out of motor vehicle operation in connection with their employment; to provide for the method of insuring or reimbursing them for the costs of such insurance.

Also:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

Also:

S. 197. To amend Section 25-4-5, Section 25-4-10, Section 25-4-53, Section 25-4-113, Section 25-4-118, Section 25-4-141 and Section 25-4-145, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act so as to remove provisions covering certain participants in federally funded programs; to redefine the definition of "educational institution"; to provide for punishment by fine and/or imprisonment for failure to hold in trust contributions deducted from employees; to provide employees immunity from civil suits for acts performed in their official capacity except for wanton or malicious conduct; to permit disclosure of information to welfare officials in performance of official duties in connection with aid to families and dependent children and with restriction, for economic analysis; to remove requirement for an individual to testify even if testimony might be self-incriminating; to increase, upon conviction of violation of code requirements, maximum fine from \$250 to \$500 and maximum length of imprisonment from 3 months to 12 months; to increase statute of limitations for conviction for violations from 2 to 3 years and to establish procedures for the collection of overpayment of benefits.

Also:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

Also:

S. 217. To amend Section 35-11-233, Code of Alabama 1975, relating to mechanic's liens and assignment thereof, so as to provide further for the transfer of such liens to security by a deposit of money or bond with the court.

Also:

S. 247. To amend Section 12-12-31 of the Code of Alabama 1975 providing for small claims actions so as to provide that corporations may be represented by an officer or agent of such corporation other than an attorney.

Also:

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members,

officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

Also:

S. 490. To amend Section 8-16-94, Code of Alabama 1975, pertaining to minimum weights of certain commodities when said commodities are sold by bushel or barrel; to allow said commodities to be sold at the weight per bushel

or barrel as is generally recognized in the present-day marketplace; to allow the State Board of Agriculture and Industries to set minimum weights per bushel or barrel for certain commodities when present marketing practices so dictate.

Also:

S. 510. To adopt and incorporate into the Code of Alabama 1975 all of the general and permanent laws of the State adopted during the 1979 sessions of the Legislature as contained in the 1979 Cumulative Supplement to the Code of Alabama 1975, and to make certain corrections in such supplement; and to adopt and incorporate into the Code of Alabama 1975 all laws as contained in the 1977 Blue Paperback Pamphlet of Title 13A, known as the "Alabama Criminal Code," as amended, and the 1979 Cumulative Supplement thereto, and to make certain corrections in such pamphlet and supplement.

Also:

S. 558. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

Also:

S. 339. To provide for a minimum salary for certain probate judges.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 553. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Gulledge, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 553 the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. 553

Amend Senate Bill 553, in the Synopsis by deleting lines 12 through 18 in their entirety.

Further amend the bill on Page 2, Section 2 by deleting after the word "fund" and the "period" the following: It further is the legislative intent that all funds, undesignated, uncommitted, unencumbered and unappropriated, transferred to the state parks fund of the state treasury shall be those revenues, not exempt by Section 1 of the act, which otherwise would lapse and which together otherwise would result in an ending balance in the general fund of the state treasury for the fiscal year ending September 30, 1980.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Robertson
Barron	Gulledge	Little	St. John
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Mitchem	White
Denton	Holmes	Parsons	
			—22

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 665. To provide revenue by levying a privilege tax on cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE H. B. 665

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 665, have met, considered the matter, and agreed to the following:

We recommend that the Senate recede from its amendment by Parsons to the bill and to adopt the Conference Committee Amendment as follows:

Amend House Bill 665 as Substituted by Ways and Means in the Synopsis, line 5, after the word "a" by deleting 50¢ and inserting in lieu thereof 25¢ and on line 6 after the word "on" by inserting the word gummed.

Further amend the bill in the Title, Line 12, after the word "on" by inserting gummed.

Further amend the bill, Section 2, Page 1, on line 36 after the word "of" by striking 50¢ and inserting in lieu thereof 25¢ and on line 37 after the word "all" by inserting gummed.

DUANE LEWIS,  
ASBURY HOWARD,  
THOMAS REED,  
Conferees of the House.  
MAC PARSONS,  
LARRY H. KEENER,  
ROBERT (BOB) HALL,  
Conferees of the Senate.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Parsons, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 665, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 19; Nays 1.

*Yeas:*

Messrs.:	Hall	Miller	Taylor
Bailey	Higginbotham	Parsons	Teague
Britnell	Keener	Robertson	Vacca
Cook	Little	St. John	Weeks
Denton	Martin	Smith	White

—19

*Nay:* Mr. deGraffenried.

—1

#### RESOLUTION

Messrs. Cook, Vacca, Parsons, White, Pearson, Clemon, Hall and Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 218. CONGRATULATING JOE BRUNO, OUTSTANDING BUSINESSMAN AND HUMANITARIAN, ON HIS LATEST HONOR, THE HORATIO ALGER AWARD.

WHEREAS, Mr. Joe Bruno, founder and Chairman of Bruno's, Inc., one of Alabama's most extensive businesses, has rendered exceptional service to his state and country through his business and civic activities; and

WHEREAS, Joe Bruno has devoted himself to improving the lives of his fellow citizens through his work with the American Cancer Society, the Community Service Council, the American Red Cross, Catholic Charities, the Salvation Army, Operation New Birmingham, the National Conference of Christians and Jews, the Advisory Board on Agriculture and Rural Development, Southern Benedictine College, and many professional associations; and

WHEREAS, Mr. Bruno, who was born in Birmingham to Italian parents in 1912, is a perfect example of the rags-to-riches success story, having built an enormous business from humble beginnings, while giving generously of his time and talents to help others less fortunate than he; and

WHEREAS, In addition to his many other awards (the William Gorgas Award, Knights Officer in the Order of Merit decoration from the Republic of Italy, Brotherhood Award from the National Conference of Christians and Jews, Doctor of Humane Letters from St. Bernard College, and Man of the Year, 1977, by the Order of the Sons of Italy), Joe Bruno has just received the Horatio Alger Award, given to those who epitomize the American dream in a free, democratic society; and

WHEREAS, We wish to be numbered among the many who have recognized the unique combination of talent, acumen and unselfishness and Christian love manifested in the life of Joe Bruno; now, therefore,

BE IT RESOLVED BY THE SENATE OF ALABAMA, THE HOUSE OF REPRESENTATIVES CONCURRING, That we salute our friend Joe Bruno and congratulate him on this latest honor, the Horatio Alger Award which he so richly deserves.

BE IT FURTHER RESOLVED That a copy of this resolution be presented to Joe Bruno as a token of our appreciation for everything he has achieved in his personal success story as well as for the people of his state and country.

On motion of Mr. Cook, the Rules were suspended and the Resolution was adopted by the Senate.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 250. CREATING THE JOINT INTERIM COMMITTEE TO STUDY NUCLEAR ENERGY ACTIVITIES.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 249. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

Mr. St. John offered the following amendment to the Resolution, H. J. R. 249, to-wit:

AMENDMENT TO H. J. R. 249

Amend H. J. R. 249, Page 1, Line 29, by striking out the sentence "The Committee shall have subpoena powers".

Which was adopted.

And on motion of Mr. McDonald, said Resolution, H. J. R. 249, as thus amended, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 285. CREATING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

Mr. St. John offered the following amendment to the Resolution, H. J. R. 285, to-wit:

AMENDMENT TO H. J. R. 285

Amend H. J. R. 285, Page 2, Line 4, by striking out the sentence "The committee shall have subpoena powers and the power to punish for contempt."

Which was adopted.

And on motion of Mr. Barron, said Resolution, H. J. R. 285, as thus amended, was then concurred in and adopted by the Senate.

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Cecil L. Johnston to the Polygraph Examiners Board.

On motion of Mr. McDonald, the appointment of Mr. Johnston was confirmed by the Senate.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Martin	St. John
Barron	Hall	McDonald	Taylor
Cook	Harrison	Mitchem	Teague
Denton	Keener	Parsons	Vacca
Goodwin	Little	Proctor	White

—19

Nays:

—0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:



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Appointment of Mr. Frank Parker to the Board of Appeals—Industrial Relations.

On motion of Mr. McDonald, the appointment of Mr. Parker was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Mitchem	Taylor	
Barron	Harrison	Parsons	Teague	
Cook	Little	Proctor	Vacca	
Denton	Martin	Robertson	White	
Gulledge	McDonald	St. John		—18

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. Edward L. Pryce to the Alabama Board of Examiners of Landscape Architects.

On motion of Mr. McDonald, the appointment of Mr. Pryce was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Mitchem	Taylor	
Barron	Harrison	Parsons	Teague	
Cook	Higginbotham	Proctor	Vacca	
Denton	Little	Robertson	White	
Gulledge	McDonald	Smith		—18

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Ms. Odessa Woolfolk to the Board of Trustees of the Alabama Institute for the Deaf and Blind.

On motion of Mr. Teague, the appointment of Ms. Woolfolk was confirmed by the Senate.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	St. John	
Barron	Harrison	McDonald	Taylor	
Britnell	Higginbotham	Mitchem	Teague	
deGraffenried	Holmes	Proctor	Vacca	
Denton	Little	Robertson	White	
Gulledge				—20

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointments of Mr. Whit Armstrong, Mrs. Mary George Waite, and Mr. H.W. Broom to the State Banking Board.

On motion of Mr. McDonald, the appointment of Mr. Armstrong was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Taylor	
Barron	Higginbotham	Mitchem	Teague	
Cook	Little	Proctor	Vacca	
deGraffenried	Martin	Robertson	White	
Gulledge	McDonald	St. John		—18

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mrs. Waite was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Taylor	
Barron	Higginbotham	Mitchem	Teague	
Cook	Little	Proctor	Vacca	
deGraffenried	Martin	Robertson	White	
Gulledge	McDonald	St. John		—18

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Broom was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Hall	Miller	Taylor	
Barron	Higginbotham	Mitchem	Teague	
Cook	Little	Proctor	Vacca	
deGraffenried	Martin	Robertson	White	
Gulledge	McDonald	St. John		—18

*Nays:* —0

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Messrs. William Martin, William Collins, Ray Marsh, Richard Arrington, Ben Bowden, Mrs. Judith Veal, Messrs. Earl Goodwin, and Jimmy Bledsoe to the State Docks Advisory Committee.

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On motion of Mr. McDonald, the appointment of Mr. Martin was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Robertson	
Barron	Glass	Martin	St. John	
Callahan	Goodwin	McDonald	Taylor	
Cook	Gulledge	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	White	—19

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Collins was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Robertson	
Barron	Glass	Martin	St. John	
Callahan	Goodwin	McDonald	Taylor	
Cook	Gulledge	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	White	—19

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Marsh was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Robertson	
Barron	Glass	Martin	St. John	
Callahan	Goodwin	McDonald	Taylor	
Cook	Gulledge	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	White	—19

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Arrington was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.	Denton	Little	Robertson	
Barron	Glass	Martin	St. John	
Callahan	Goodwin	McDonald	Taylor	
Cook	Gulledge	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	White	—19

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Bowden was confirmed by the Senate.

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Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Robertson	
Barron	Glass	Martin	St. John	
Callahan	Goodwin	McDonald	Taylor	
Cook	Gulledge	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	White	—19

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mrs. Veal was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Robertson	
Barron	Glass	Martin	St. John	
Callahan	Goodwin	McDonald	Taylor	
Cook	Gulledge	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	White	—19

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Goodwin was confirmed by the Senate.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	St. John	
Barron	Glass	McDonald	Taylor	
Callahan	Gulledge	Parsons	Teague	
Cook	Higginbotham	Proctor	White	
deGraffenried	Little	Robertson		—18

*Nays:* —0

On motion of Mr. McDonald, the appointment of Mr. Bledsoe was confirmed by the Senate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Robertson	
Barron	Glass	Martin	St. John	
Callahan	Goodwin	McDonald	Taylor	
Cook	Gulledge	Parsons	Teague	
deGraffenried	Higginbotham	Proctor	White	—19

*Nays:* —0

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MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 36. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 73 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 73 without my signature and approval and with the following suggested Executive Amendment.

On page 1, Section 1, line 27 following the word "statute" delete the period (.) and add the following language:

"provided the employee reports for work on his next regularly scheduled hour after being dismissed from any jury."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES

## GOVERNOR'S MESSAGE

On motion of Mr. deGraffenried, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Proctor	
Barron	Gulledge	Kirkland	Robertson	
Cook	Hall	Little	St. John	
deGraffenried	Higginbotham	Martin	Taylor	
Denton	Holmes	Miller	White	
Glass				—20

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 73, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Robertson	
Barron	Gulledge	Kirkland	St. John	
Britnell	Hall	Little	Taylor	
Cook	Harrison	Martin	Teague	
deGraffenried	Higginbotham	Miller	White	
Glass	Holmes	Proctor		—22

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

## RESOLUTION

Mr. Harrison offered the following Senate Resolution, to-wit:

S. R. 219. EXPRESSING THE SENTIMENT OF THE SENATE REGARDING H. B. 540.

WHEREAS, food service employees in our public schools are among the lowest paid employees in the educational system; and

WHEREAS, these workers with smaller incomes are hit very hard by inflation; and

WHEREAS, food service workers' contributions affect the total educational community; now therefore,

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BE IT RESOLVED BY THE SENATE OF THE ALABAMA LEGISLATURE, That the Senate wishes to inform the conference committee conferees that it strongly supports retaining the wording in H. B. 540, which calls for the granting of a 16% raise to food service workers by the local boards of education of which 80% shall be funded by the state.

Which was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 213. CONDEMNING THE USE OF PRISON FACILITIES IN TALLADEGA, ALABAMA, FOR THE HOUSING OF THOSE CUBAN REFUGEES WHO HAVE FAILED TO PASS SECURITY SCREENING BY THE FBI AND CIA.

JOHN W. PEMBERTON,  
Clerk.

LOCAL BILLS  
ON THIRD READING

The Bill:

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes and cigars in the county; providing for the collection and enforcement of the tax, appropriating the proceeds therefrom and prescribing penalties for violations.

was taken up.

Mr. Gullledge offered the following substitute for the Bill, H. B. 1063, to-wit:

SUBSTITUTE FOR H. B. 1063

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes in the County; providing for the assessment, collection, and distribution of the proceeds of the tax, and of the adoption and promulgation of rules and regulations therefor by the governing body of said County; defining violations of the Act, and prescribing penalties therefor.

Be It Enacted by the Legislature of Alabama:

Section 1. This Act shall apply in, and only in, Baldwin County, Alabama; it does not alter or repeal any statute, but is in addition to and cumulative of laws now in effect.

Section 2. (a) As used in this Act, unless the context requires a different meaning, "person" includes a firm, corporation, club, partnership, company, trustee, agency, or association, or any agent, servant, employee, or officer thereof; "seller" means a person who is engaged in the business of selling, storing, or delivering cigarettes within the County.

(b) The rules of construction and interpretation of statutes contained in Title 1 of the Code of Alabama 1975 shall apply in the construction and interpretation of this Act.

Section 3. In addition to all other taxes now imposed by law, every person who sells, stores, or delivers any cigarettes within the county shall pay a license tax to the County, and a license tax is hereby fixed and levied, which license tax shall be two cents (\$0.02) for each package of cigarettes, made of tobacco or any substitute therefor.

Section 4. The tax herein levied shall be paid through the use of one stamp as herein provided for. The one stamp shall be used to designate or represent the County license tax, and municipal license or privilege tax, if any is levied by a municipality within the county, collected on the sale of each package of cigarettes. It is intended that this one stamp be used in place of separate stamps for county license taxes and city or town license or privilege taxes. It is further intended that no city may impose or affix an additional stamp or stamps. It being the purpose and intent of this Act that the tax hereby levied is in fact a levy on the ultimate consumer or user with the wholesaler, distributor, jobber or retail dealer acting merely as an agent for the county, and, if appropriate, the city or town, for the collection and payment of the tax levied by this Act and any existing city license or privilege taxes, and the intent being that such license tax hereby required shall be paid but once on each package of cigarettes.

Section 5. (a) It shall be the duty of each wholesale dealer or jobber who sells, stores, or delivers cigarettes to retail sellers in this County to affix to each package of cigarettes sold or delivered in said County the designated stamp. Each wholesaler or jobber who desires to do so may purchase said stamps from the County Commission of said County at a ten percent (10%) discount on the entire amount of sale when said purchases are made in quantities of TWO HUNDRED AND NO/100 DOLLARS (\$200.00) or more. Said discount allowed hereby will be compensation to the wholesale dealer or jobber for the cost of affixing the said stamp to the cigarettes and for the keeping of the records required by this Act. All other persons, except such wholesale dealers, or jobbers, must pay the full face amount for stamps, and no person, wholesaler, jobber, or dealer, shall be entitled to purchase any such number of said stamps as would cause the purchase price to include fraction of a cent. Between the first day and the tenth day of each calendar month, each wholesaler or jobber selling, storing or delivering cigarettes for retail in this County, shall submit to the county commission on a form provided for the same by the county commission a sworn statement setting forth the amount of sales of cigarettes made in Baldwin County, Alabama, during the preceding calendar month, to whom said sales were made, and designating said sales as being within the city limits of the cities or towns located within said County, when such sales are made therein, or designating said sales as "rural" if sold outside of the city limits of the municipalities or towns located within said County.

(b) Each Seller, "wholesaler, jobber or retailer" shall keep complete records of all purchases, sales, receipts, inventories, and all other matters necessary to determine the correct amount of license tax for which he is



liable. In the event a seller discontinues his business, he shall not dispose of his records without giving the county commission thirty (30) days' notice in writing.

(c) The seller's records, books of accounts, bank deposit books, and bank statements shall be open, during reasonable hours at the place of business of the seller, for inspection and examination by the county commission, or its agent, or such other person as may be designated under any rule or regulation adopted and promulgated by the county commission of Baldwin County, Alabama.

(d) In the event the amount of tax due by the seller cannot be accurately determined from the seller's monthly report, or if the seller does not keep adequate records, or if he refuses to allow an examination of his records, the amount of tax due may be determined from any other information or data available, and the amount of the tax so determined shall be assessed against seller. Notice of such assessment shall be given to the seller and a demand made for immediate payment.

(e) No person shall divulge any information obtained by him in the course of an inspection and examination of the records of any seller, except to a person duly authorized by the county or municipal governing body, the county attorney, or any others connected with the administration of this act, unless he is required to do so by an order of competent court.

Section 6. The County Commission shall keep on hand for sale an adequate quantity of stamps to be affixed to each package of cigarettes as required under this act. Each such stamp shall have inscribed thereon the words "County of Baldwin Cigarette Tax," but said words need not be arranged in the foregoing order and may be abbreviated. Likewise the county commission, shall keep on hand an adequate supply of forms and other necessary supplies as may be required for the proper enforcement of the provisions of this act, and all necessary forms and supplies other than the stamps herein mentioned shall be furnished free of charge to each wholesaler and jobber as needed.

Section 7. (a) The county license tax imposed by this act and collected by the seller (wholesaler or retailer) shall be paid to the county commission, and the county commission, after first reimbursing the county general fund for expenses incurred in the administration and enforcement of this act, shall, between the 11th and 20th day of each month deposit the remainder of the proceeds of said tax in the county general fund of Baldwin County to be expended exclusively for mental health purposes as the county governing body sees fit.

(b) The city or municipal license tax, if any, collected by the seller (wholesaler or retailer) shall be payable by the seller directly to the city, municipality or town entitled to said city license tax.

Section 8. The county commission is hereby given the right, power, and authority to promulgate and adopt rules and regulations governing the collection of the county tax hereby imposed, if it is necessary so to do in order to more effectually carry out the terms and provisions of this Act, but it shall not have the right to alter or change the distribution of the taxes herein provided for. The county governing body shall make available ample funds from the county general fund for the purchase of stamps and other materials and supplies needed for carrying out the provisions of this act. However, the county general fund shall be reimbursed for all monies expended in connection with the administration and enforcement of this Act as provided under Section 7 of this Act.

Section 9. (a) It shall be unlawful for any person to offer for sale either at wholesale or retail in Baldwin County, Alabama, any cigarettes on which the stamp as herein provided does not appear and the possession of cigarettes in Baldwin County, Alabama, by a seller in any retail establishment without the proper stamp thereon shall be prima facie evidence of violation of this Act by said retail seller.

(b) It shall be the duty and responsibility of all wholesalers and jobbers selling or distributing cigarettes in Baldwin County, Alabama, to see that the proper stamp is placed on said cigarettes packages before leaving them in a retail establishment, and it shall be the responsibility of all retail sellers of cigarettes in Baldwin County, Alabama, to have the proper stamp on all cigarette packages in their place of business which are offered for sale to the general public and failure to comply with this provision by wholesalers, jobbers, or retail sellers shall be a violation of said Act.

Section 10. A person who violates the provisions of this Act or any rule or regulation promulgated and adopted by the county commission, shall be guilty of a Class C misdemeanor, and each day his violation continues shall constitute a separate offense.

Section 11. No seller shall continue in business when he is in default in payment of the tax imposed by this Act. In addition to other penalties, a delinquent taxpayer shall be liable for a penalty of twenty per cent (20%) of the amount found to be due by him. Penalties shall be paid into the General Fund of the county.

Section 12. This Act shall not apply to acts or transactions in interstate commerce; nor shall any provision hereof apply to any business conducted by or for the United States or any other government. This Act shall not be construed to apply to cigarettes stored by a wholesale dealer for the purpose of resale or reshipment outside of the said County, which cigarettes are actually resold or reshipped.

Section 13. If any provision of this act, or the application thereof to any person or circumstance, is held invalid or inoperative, the remainder of the act and the application thereof to any other person or circumstance shall not be affected thereby.

Section 14. All laws or parts of laws which conflict with this act are hereby repealed.

Section 15. This act shall become effective the first day of the third month after its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Mitchem	Teague
Britnell	Harrison	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

Nays:

—0

REGULAR SESSION  
30th Day

1987

And said Bill, H. B. 1063, as thus amended by the substitute was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Harrison	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Miller	Smith	
Britnell	Higginbotham	Parsons	Taylor	
Callahan	Holmes	Proctor	Teague	
Cook	Keener	Robertson	Vacca	
Goodwin	Little	St. John	Weeks	
				—19

*Nays:* —0

The Bill:

H. 1011. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by certain portions of Acts of previous legislative sessions.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	St. John	
Bailey	Goodwin	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Cook	Holmes	Pearson	Weeks	
Denton	Keener	Proctor	White	
Figures	Little			—25

*Nays:* —0

The Bill:

H. 521. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Jefferson County.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 2.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Britnell	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Figures	Little			—25

*Nays:* Messrs.: Barron and Hall.

—2

The Bill:

H. 565. Relating to Baldwin County; authorizing the county governing body to employ highway personnel and to purchase or lease equipment and materials and to contract therefor for the construction, maintenance and repair of public roads, bridges and ferries, and to provide for the payment therefor, the "captive" county status of Baldwin County notwithstanding.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Little	Proctor	White	
Denton	Martin			—25

*Nays:*

—0

The Bill:

H. 1026. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the Twenty-first Judicial Circuit of Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Britnell	Denton	Hall
Bailey	Callahan	Figures	Holmes
Barron	Cook	Glass	Kirkland

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1989

Little	Mitchem	Smith	Vacca
Martin	Parsons	Taylor	Weeks
McDonald	Pearson	Teague	White
Miller	Proctor		

—25

Nays: —0

The Bill:

H. 1027. Relating to Escambia County; to further provide for the compensation of the board of registrars.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 1028. To amend Section 1 of Act No. 594, H. 991, Regular Session 1965 (Acts of Alabama 1965, p. 1115), so as to further provide for the compensation of the Escambia County board of equalization.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Kirkland	Proctor	Weeks
Cook	Little	St. John	White
Denton	Martin		

—25

Nays: —0

The Bill:

H. 1029. Relating to Escambia County; providing further for the compensation of the chairman and members of the county commission.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Britnell	Denton	Goodwin
Bailey	Callahan	Figures	Hall
Barron	Cook	Glass	Holmes

1990

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Kirkland	Miller	Proctor	Vacca
Little	Mitchem	Smith	Weeks
Martin	Parsons	Taylor	White
McDonald	Pearson		

—25

*Nays:* —0

The Bill:

H. 1030. Relating to Escambia County; to provide for an expense allowance for the sheriff of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 1031. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.	Figures	Miller	Smith
Bailey	Glass	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Kirkland	Proctor	Weeks
Cook	Little	St. John	White
Denton	Martin		

—25

*Nays:* —0

The Bill:

H. 1073. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437) entitled "An Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p.2996), and other conflicting laws, so as to increase said allowance.

was read a third time at length and passed.

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1991

Yeas 25; Nays 0.

*Yeas:*

Messrs.	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Parsons	Vacca
Callahan	Holmes	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:*

—0

The Bill:

H. 1074. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435) entitled "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Goodwin	Miller	Teague
Britnell	Gulledge	Parsons	Vacca
Callahan	Hall	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Kirkland		

—25

*Nays:*

—0

The Bill:

H. 685. Proposing an amendment to Constitutional Amendment CCCLI which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

was read a third time at length as required by the Constitution and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Miller	Smith
Bailey	Gulledge	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Callahan	Holmes	Pearson	Vacca
Cook	Keener	Proctor	Weeks
Denton	Little	St. John	White
Figures	Martin		

—25

*Nays:*

—0

The Bill:

H. 971. To authorize the Blount County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; and to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	Smith	
Barron	Goodwin	Martin	Taylor	
Britnell	Hall	McDonald	Vacca	
Callahan	Holmes	Mitchem	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 1101. Relating to Chilton County; providing for an additional expense allowance for the county treasurer.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 1102. Relating to Cleburne County; providing further for the compensation of election officials.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Hall	Parsons	Teague	
Britnell	Holmes	Pearson	Vacca	
Callahan	Kirkland	Proctor	Weeks	
Cook	Little	St. John	White	
Denton	Martin			—25

*Nays:* —0



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30th Day

1993

The Bill:

H. 1103. Relating to Coffee County; providing further for the establishment and composition of the county jury commission and repealing Act No. 571, S. 468, 1953 Regular Session (Acts 1953, p. 813).

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Weeks	
Denton	Kirkland			—25

*Nays:* —0

The Bill:

H. 1104. Relating to Macon County; increasing the salaries of the deputies sheriff and other employees of the sheriff's department.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Proctor	
Bailey	Glass	McDonald	St. John	
Barron	Hall	Miller	Smith	
Britnell	Holmes	Mitchem	Taylor	
Callahan	Keener	Parsons	Teague	
Cook	Kirkland	Pearson	Weeks	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1105. Relating to Mobile County; providing an election officers' school in each State Senate District.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Gulledge	Mitchem	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Proctor	White	
Denton	Keener			—25

*Nays:* —0

## The Bill:

H. 1106. To repeal Act No. 250, H. 874 of the 1975 Regular Session (Acts 1975, p. 783), relating to Shelby County, entitled "An Act To prohibit the probate judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County."

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

## The Bill:

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary". Further, to repeal Section 27 of Act 328, H. 854 (Acts 1959, p. 907, Vol. 2) so as to delete the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department.

was taken up.

Mr. Robertson offered the following amendment to the Bill, H. B. 1108, to-wit:

## AMENDMENT TO H. B. 1108

On page 6, in Section 6, insert the following new subsection after subsection C:

D. Provided, however, any person under the coverage of the pension plan who has contributed to the fund for fifteen (15) years or more shall have their benefits increased to not less than \$500.00 monthly effective immediately.

Which was adopted.

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1995

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Little	Robertson	White	
deGraffenried	Martin			—25

*Nays:* —0

And said Bill, H. B. 1108, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Little	Robertson	White	
deGraffenried	Martin			—25

*Nays:* —0

BILL RECONSIDERED

Mr. Cook moved that the Senate reconsider the vote by which the Bill, H. B. 521, was passed, and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

Yeas 11; Nays 4.

*Yeas:*

Messrs.:	Kirkland	Smith	Weeks	
Callahan	Parsons	Teague	White	
Cook	St. John	Vacca		
deGraffenried				—11

*Nays:*

Messrs.:	Denton	Hall	Taylor	
Britnell				—4

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 935. To provide that no part of the net earnings of any authority organized pursuant to the Historical Preservation Authorities Act of 1979 shall inure to the benefit of any private person, firm or corporation; to exempt any such authority from the provisions of the laws of Alabama governing usury or prescribing interest rates; and specifying that all the aforesaid provisions shall apply both prospectively and retrospectively except in certain specified cases.

Also:

H. J. R. 289. HONORING THE COMMODORES, THE PRIDE OF TUSKEGEE, AND THAT CITY'S MUSICAL GIFT TO THE WORLD.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

Said Governor's Message being in words and figures as follows, to-wit:

### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 1087, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1087 without my signature and approval and with the following suggested Executive Amendment.

On page 13, Section 10, line 39 add the following:

"(c) Provided, however, if the millage on property tax is increased, then the fifty percent (50%) earmarked for the county board of education, as provided by subsection (a) of this section, shall become null and void and the amount of tax levied by this Act shall decrease by said same amount."

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,  
FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 59; Nays 1.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 59, Nays 1.

And said Bill, H. 1087, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Robertson, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1087, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Robertson	White
deGraffenried	Little		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1087, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Robertson	White
deGraffenried	Little		

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

## RESOLUTIONS

The Standing Committee on Rules offered the following Senate Resolution, to-wit:

S. R. 220. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the thirtieth legislative day only:

Bill No.	Page No.	Description
H. B. 242	11	Est. of a fee to be col. from the proc. of all judicial sales
H. B. 243	12	State Records pres.
H. B. 173	10	Docket fees for traffic violations
H. B. 170	83	To exempt the gross rec. of sales from state nurseries of forest tree seed and seedlings
H. B. 598	3	Medicaid
H. B. 597	2	Medicaid
H. B. 356	8	Tame Turkeys
H. B. 189	51	Mobile Home Safety Standards
H. B. 813	40	Telephone Rev. Fund Dept. of Finance
H. B. 814	37	Dept. of Finance, Div. of Service Mail
H. B. 88	38	Inc. fees vital statistics records
H. B. 332	30	Hospital License
H. B. 68	9	National Teachers' exam.
H. B. 164	25	Teachers' and Emp. Retir. Sys.
H. B. 457	32	Mail
H. B. 81	4	Corporations
H. B. 811	22	Toll Bridges

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1999

H. B. 1033	43	Office of State Planning and Fed. prog.
H. B. 1034	45	Abolish State Indus. Bd.
H. B. 432	39	Civil Air Patrol Veh.
H. B. 384	26	Motor Vehicle License Plates
H. B. 138	13	Savings & Loan
H. B. 701	18	Fed. Aid Highway
H. B. 622	27	Absentee Voting
H. B. 702	18	State Highway Dept. Road & Bridges
H. B. 262	37	Law Enforcement officers
H. B. 916	20	Highway Dept.
H. B. 13	7	States sales taxes on lubricating oils
H. B. 14	21	Levy of excise taxes of oils
H. B. 4	59	Public Housing
H. B. 305	36	State Employee job related moves
H. B. 259	16	Filling vac. in the office of Co. Supt. of Ed.
H. B. 306	56	Alabama Unemployment Compensation Act
H. B. 891	16	Ex. granted motor veh. hauling pass.
H. B. 605	23	Homestead exemptions and ad valorem tax exempt. on prin. res. of disabled persons or persons 65 yrs. or older.
H. B. 96	2	Req. competitive bidding on contracts in excess of \$2,000
H. B. 518	52	Escrow accounts
H. B. 201	59	Change the present jury strike sys. to one strike sys.
H. B. 151	25	Locator's office, Parent
H. B. 889	29	Wild Turkey
H. B. 78	3	Approp. to Alabama State Bar
H. B. 1004	85	Lic. Bd. Gen. Contractors
H. B. 885	41	Relate to Alabama Sunset Law of 1976
H. B. 578	21	Captive Co.
H. B. 698	84	To est. a student asst. program
H. B. 621	29	Grand Juries 15th Jud. Circ.
H. B. 741	60	Provide for the descent and dis. of property of persons dying intestate

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H. B. 179	49	Stock and mutual insurers
H. B. 178	48	Commissioner of Insurance
H. B. 811	22	Toll Bridges
H. B. 59	17	National Guard
H. B. 762	30	Comm. sold by bushel or barrel
H. B. 9	13	Hon. retired law enf. off. to carry handgun
H. B. 276	19	AL liq. petroleum gas board
H. B. 199	12	Swine Diseases
H. B. 686	60	Alimony
H. B. 185	49	Penalty false statements
H. B. 709	55	Tax assessors & tax collectors
H. B. 400	15	Ad Valorem Taxation
H. B. 417	40	Classified merit or civil service position
H. B. 740	28	Alabama Board of Funeral Service
H. B. 669	48	Education
H. B. 19	39	Election Officials
H. B. 10	8	Creates off. of Governor's councillor, repealed

Mr. Barron offered the following substitute for the Resolution, S. R. 220,  
to-wit:

SUBSTITUTE FOR S. R. 220

By Rep. Barron:

S. R. 220. RESOLVED BY THE SENATE That the following bills in the order named shall be the paramount and continuing order of business taking precedence over all other matters upon reaching bills on third reading for the thirtieth legislative day only:

Bill No.	Page No.	Description
H. B. 242	11	Est. of a fee to be col. from the proc. of all judicial sales
H. B. 243	12	State Records pres.
H. B. 173	10	Docket fees for traffic violations
H. B. 170	83	To exempt the gross rec. of sales from state nurseries of forest tree seed and seedlings
H. B. 598	3	Medicaid
H. B. 597	2	Medicaid
H. B. 356	8	Tame Turkeys
H. B. 189	51	Mobile Home Safety Standards
H. B. 813	40	Telephone Rev. Fund Dept. of Finance



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H. B. 814	37	Dept. of Finance, Div. of Service Mail
H. B. 88	38	Inc. fees vital statistics records
H. B. 332	30	Hospital License
H. B. 68	9	National Teachers' exam.
H. B. 164	25	Teachers' and Emp. Retir. Sys.
H. B. 457	32	Mail
H. B. 81	4	Corporations
H. B. 811	22	Toll Bridges
H. B. 1033	43	Office of State Planning and Fed prog.
H. B. 1034	45	Abolish State Indus. Bd.
H. B. 432	39	Civil Air Patrol Veh.
H. B. 384	26	Motor Vehicle License Plates
H. B. 138	13	Savings & Loan
H. B. 701	18	Fed. Aid Highway
H. B. 622	27	Absentee Voting
H. B. 702	18	State Highway Dept. Road & Bridges
H. B. 262	37	Law Enforcement officers
H. B. 916	20	Highway Dept.
H. B. 13	7	States sales taxes on lubricating oils
H. B. 14	21	Levy of excise taxes of oils
H. B. 4	59	Public Housing
H. B. 305	36	State Employee job related moves
H. B. 259	16	Filling vac. in the office of Co. Supt. of Ed.
H. B. 306	56	Alabama Unemployment Compensation Act
H. B. 891	16	Ex. granted motor veh. hauling pass.
H. B. 605	23	Homestead exemptions and ad valorem tax exempt. on prin. res. of disabled persons or persons 65 yrs. or older
H. B. 96	2	Req. competitive bidding on contracts in excess of \$2,000
H. B. 518	52	Escrow accounts
H. B. 201	59	Change the present jury strike sys. to one strike sys.
H. B. 151	25	Locator's office, Parent

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H. B. 889	29	Wild Turkey
H. B. 78	3	Approp. to Alabama State Bar
H. B. 1004	85	Lic. Bd. Gen. Contractors
H. B. 885	41	Relate to Alabama Sunset Law of 1976
H. B. 578	21	Captive Co.
H. B. 698	84	To est. a student asst. program
H. B. 741	60	Provide for the descent and dis. of property of persons dying intestate
H. B. 179	49	Stock and mutual insurers
H. B. 178	48	Commissioner of Insurance
H. B. 59	17	National Guard
H. B. 762	30	Comm. sold by bushel or barrel
H. B. 9	13	Hon. retired law enf. off. to carry handgun
H. B. 276	19	AL liq. petroleum gas board
H. B. 199	12	Swine Diseases
H. B. 686	60	Alimony
H. B. 185	49	Penalty false statements
H. B. 709	55	Tax assessors & tax collectors
H. B. 400	15	Ad Valorem Taxation
H. B. 417	40	Classified merit or civil service position
H. B. 740	28	Alabama Board of Funeral Service
H. B. 669	48	Education
H. B. 19	39	Election Officials
H. B. 10	8	Creates off. of Governor's councillor, repealed

Which was adopted.

Yeas 10; Nays 9.

*Yeas:*

Messrs.: Barron Britnell	Cook Denton Goodwin	Hall Robertson Taylor	Vacca White	—10
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*Nays:*

Messrs.: Harrison Kirkland	McDonald Mitchem Parsons	St. John Smith	Teague Weeks	—9
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REGULAR SESSION  
30th Day

2003

And on motion of Mr. McDonald, the Resolution, S. R. 220, as thus amended by the substitute, was then adopted by the Senate.

Mr. Parsons offered the following Senate Resolution, to-wit:

S. R. 221. COMMENDING JIMMY AND INEZ PAPPAS, OWNERS OF THE FAMOUS JIM EZ'S RESTAURANT IN HUEY TOWN, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House Joint Resolutions:

By Rep. Adams (C):

H. J. R. 285. CREATING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE.

Also:

By Rep. Ford:

H. J. R. 249. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

JOHN W. PEMBERTON,  
Clerk.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 1109. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	McDonald	Smith
Bailey	Goodwin	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Little	Proctor	White
Denton	Martin		

—25

Nays:

—0

The Bill:

H. 1110. Relating to Winston County; to provide further for the compensation of the county jury commission.

was read a third time at length and passed.

Yeas 25: Nays 0.

*Yeas:*

Messrs.:	Denton	Martin	St. John	
Bailey	Figures	Miller	Taylor	
Barron	Glass	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
deGraffenried	Little			—25
<i>Nays:</i>				—0

The Bill:

H. 1113. To repeal Act No. 260, H. 879, approved April 26, 1977, Regular Session 1977 (Acts 1977, p. 346), entitled "An Act Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education".

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Goodwin	Miller	Taylor	
Britnell	Hall	Parsons	Teague	
Callahan	Holmes	Pearson	Vacca	
Cook	Keener	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25
<i>Nays:</i>				—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, **proposing an amendment** to the Bill:

H. 909. To amend Section 40-20-2 of the Code of Alabama 1975, so as to further provide for the severance tax on the production of oil and gas.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130  
Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 909 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

REGULAR SESSION  
30th Day

2005

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 909 without my signature and approval and with the following suggested Executive Amendment.

On page 1, Section 1, line 36, delete the word "26" and substitute in lieu thereof the word "40".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,

FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 51, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 52, Nays 0.

And said Bill, H. 909, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 909, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Callahan	Kirkland	Pearson	Vacca
Cook	Lemaster	Proctor	Weeks
Figures	Little	St. John	White
Glass	Martin		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 909, as thus amended by the Executive amendment, was again read at length and passed.

2006

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Callahan	Kirkland	Pearson	Vacca
Cook	Lemaster	Proctor	Weeks
Figures	Little	St. John	White
Glass	Martin		

—25

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 354 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 354 without my signature and approval and with the following suggested Executive Amendment.

Amend Senate Bill Number 354 on page 2, Section 3, by deleting Section 3 in its entirety and by substituting in lieu thereof a new Section 3 as follows:

"Section 3. Notwithstanding the other provisions of Chapter 17 of Title 40 of the Code of Alabama 1975, domestically produced gasohol manufactured or produced in Alabama shall be exempt from any excise tax imposed by said chapter and title. The exemption granted by this section shall also apply to gasohol manufactured and distilled in another state, if that state exempts from its motor fuel tax gasohol manufactured or distilled within the State of Alabama. For all other purposes other than the amount of excise tax, the term "gasohol" shall be included within the term "gasoline" as defined in Section 40-17-30 of the Code of Alabama, 1975. The exemption provided for gasohol in this section shall terminate on December 31, 1988."

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,  
FOB JAMES

GOVERNOR'S MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 22; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Glass	Keener	Taylor	
Barron	Goodwin	Little	Teague	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Mitchem	Weeks	
Cook	Higginbotham	St. John	White	
Denton	Holmes	Smith		—22

*Nays:* —0

*Abstaining:* Mr. deGraffenried. —1

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 354, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Smith	
Barron	Goodwin	Kirkland	Taylor	
Britnell	Gulledge	Little	Teague	
Cook	Hall	McDonald	Vacca	
deGraffenried	Holmes	St. John	Weeks	
				—19

*Nays:* —0

which was a majority of the whole number elected to the Senate.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 1114. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, (Acts 1979, p. 129) entitled "An Act Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County

License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto," so as to provide further for the duties of said commissioner.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Smith	
Bailey	Goodwin	Martin	Taylor	
Barron	Gulledge	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Kirkland			—25

*Nays:*

—0

The Bill:

H. 1115. Relating to Franklin County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Britnell	Holmes	Parsons	Teague	
Cook	Keener	Pearson	Vacca	
Denton	Kirkland	Proctor	Weeks	
Glass	Little	St. John	White	
Goodwin	Martin			—25

*Nays:*

—0

The Bill:

H. 1116. Relating to Walker County: amending Sections 5, 6, 7 and 14 of Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) relating to the county civil service system, so as to provide further for the appointment, compensation and duties of the Civil Service Board.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:*

—0



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2009

The Bill:

H. 1117. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Cook	Keener	Proctor	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 1118. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	McDonald	Smith
Barron	Glass	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Proctor	Weeks
Denton	Little	St. John	White
	Martin		

—25

*Nays:* —0

The Bill:

H. 1119. To provide for the transfer of contributions and creditable service from Clerks and Registers Supernumerary Fund, State of Alabama, for the Clerk of the Circuit Court of Lowndes County, Alabama, should he so elect; to provide that the Clerk of the Circuit Court of Lowndes County, Alabama, if he so elects, may be exempt from the Clerks and Registers Supernumerary Fund, and such service as Clerk may be under the Employees' Retirement System of Alabama.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Kirkland	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Taylor	
Britnell	Gulledge	Miller	Vacca	
Callahan	Hall	Parsons	Weeks	
Cook	Holmes	Pearson	White	
Denton	Keener			—25

*Nays:* —0

The Bill:

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following amendment to the Bill, H. B. 1120, to-wit:

## COMMITTEE AMENDMENT TO H. B. 1120

Amend House Bill 1120, page 1, line 13 by striking the following: ; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

Further amend House Bill 1120, page 1, line 29 by striking the following: The present fee schedule shall remain in effect until the end of the 1980 fiscal year. The county governing body shall adopt a new fee schedule for each succeeding fiscal year. Said new fee schedule may be the same or different from the schedule of the preceding fiscal year.

Further amend House Bill 1120, page 2, Section 9, line 18 by deleting the following after the word law: , and shall be in effect through June 30, 1980, after which time this act shall be repealed.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Miller	Smith	
Bailey	Hall	Mitchem	Taylor	
Barron	Holmes	Parsons	Teague	
Britnell	Keener	Pearson	Vacca	
Callahan	Little	Proctor	Weeks	
Cook	Martin	St. John	White	
Denton	McDonald			—25

*Nays:* —0

REGULAR SESSION  
30th Day

2011

And said Bill, H. B. 1120, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Miller	Smith
Bailey	Hall	Mitchem	Taylor
Barron	Holmes	Parsons	Teague
Britnell	Keener	Pearson	Vacca
Callahan	Little	Proctor	Weeks
Cook	Martin	St. John	White
Denton	McDonald		

—25

*Nays:* —0

The Bill:

H. 1121. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92, Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk and providing for the retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	McDonald	Smith
Bailey	Hall	Miller	Taylor
Barron	Holmes	Mitchem	Teague
Britnell	Keener	Parsons	Vacca
Callahan	Kirkland	Pearson	Weeks
Cook	Little	Proctor	White
Denton	Martin		

—25

*Nays:* —0

The Bill:

H. 1122. Relating to Walker County; to provide for the City of Sumiton in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 1123. Relating to Geneva County; to provide further for the salary and expense allowance of the superintendent of education.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 1124. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith	
Bailey	Glass	Mitchem	Taylor	
Barron	Goodwin	Parsons	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Holmes	Proctor	Weeks	
Cook	Keener	St. John	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1125. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation of members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Parsons	Teague	
Britnell	Hall	Pearson	Vacca	
Callahan	Higginbotham	Proctor	Weeks	
Cook	Holmes	St. John	White	
Denton	Keener			—25

*Nays:* —0

REGULAR SESSION  
30th Day

2013

The Bill:

H. 1126. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

was read a third time and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays:

—0

The Bill:

H. 1127. Relating to Talladega County; to provide further for the compensation of election officers.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Hall	McDonald	Smith
Britnell	Harrison	Miller	Teague
Callahan	Holmes	Mitchem	Weeks
Cook	Kirkland	Parsons	White
Denton	Lemaster		

—25

Nays:

—0

The Bill:

H. 1128. Relating to Coosa County; providing for an additional allowance for election officials who work at polling places.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	McDonald	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

Nays:

—0

The Bill:

H. 1129. Relating to Coosa County; providing for the creation of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	McDonald	Taylor	
Barron	Goodwin	Miller	Teague	
Britnell	Hall	Mitchem	Vacca	
Callahan	Holmes	Parsons	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

The Bill:

H. 1130. Relating to Coosa County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Cook	Kirkland	Proctor	Weeks	
Denton	Lemaster	St. John	White	
Figures	Little			—25

*Nays:* —0

The Bill:

H. 1132. Relating to DeKalb County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of DeKalb County; and to prohibit the performance of certain work on private property and provide penalties for violations.

was read a third time at length and passed.

REGULAR SESSION  
30th Day

2015

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Lemaster		

—25

*Nays:* —0

The Bill:

H. 1133. To provide an expense allowance for the circuit court register in DeKalb County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	McDonald	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
Denton	Lemaster		

—25

*Nays:* —0

The Bill:

H. 1137. Relating to Covington County; to provide for a clerk to the tax assessor and a clerk to the tax collector; to provide for fixing the salaries of such clerks as the amount specified as the federal minimum wage; and provide for the method of payment of same.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Goodwin	Miller	Teague
Britnell	Gulledge	Parsons	Vacca
Callahan	Hall	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 1138. Relating to Covington County; to provide that in lieu of the former arrangement of paying both monthly expense allowances, mileage and salary for the Covington County governing body, the monthly remuneration of each member of said county governing body shall instead be a salary of

\$900.00 per month, payable out of the county treasury; to provide that Act No. 900, H. 1674 of the 1971 Regular Session (Acts 1971, p. 1663), providing for reimbursement of the members of the county governing body for expenses incurred outside of the county and in attending meetings in the performance of their duties shall not be repealed hereby; to repeal conflicting laws; and to provide for an effective date.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

was taken up.

Mr. Martin offered the following amendment to the Bill, H. B. 1141, to-wit:

#### AMENDMENT TO H. B. 1141

Amend H. 1141 as follows:

In the Patton Amendment delete in its entirety line 8 and insert in lieu thereof the number 287

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Kirkland	St. John	White	
Denton	Little			—25

*Nays:* —0

And said Bill, H. B. 1141, as thus amended, was read a third time at length and passed.



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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

*Nays:* —0

The Bill:

H. 1140. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	Miller	Taylor
Barron	Goodwin	Mitchem	Teague
Britnell	Gulledge	Parsons	Vacca
Callahan	Hall	Pearson	Weeks
Cook	Holmes	Proctor	White
Denton	Keener		

—25

*Nays:* —0

The Bill:

H. 520. Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become effective in the county unless the voters thereof approve the constitutional amendment; and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authorize bingo within Jefferson County.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 520, to-wit:

COMMITTEE AMENDMENT TO H. B. 520

Amend H. B. No. 520 in Section 10, Sub Section (4), as follows:

Delete Sub Section (4) in its entirety and add the following in lieu thereof:

(4) Prizes given by any organization for the playing of bingo games shall not exceed \$1,200.00 in cash or gifts of equivalent value during any bingo session or \$2,400.00 in cash or gifts of equivalent value during any calendar week.

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Lemaster	Proctor	White	
Denton	Little			—25

*Nays:* —0

And said Bill, H. B. 520, as thus amended, was read a third time at length and passed.

Yeas 8; Nays 1.

*Yeas:*

Messrs.:	Goodwin	Higginbotham	Parsons	
Callahan	Gulledge	Martin	White	
Cook				—8

*Nay :* Mr. Hall. —1

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

**The Bill:**

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the grantee.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 755, to-wit:

#### COMMITTEE AMENDMENT TO H. B. 755

Amend H. B. No. 755 as follows:

On page 1, delete line 16 in its entirety and insert the following words:  
the person to receive the tax notice.

On page 1, delete line 21 in its entirety and insert the following words:  
complete address of the person to receive the tax notice.

Which was adopted.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures	Little		

—25

*Nays:* —0

And said Bill, H. B. 755, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	Martin	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures	Little		

—25

*Nays:* —0

The Bill:

H. 901. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1576, et seq.); and to provide that the amendments made by this Act to said Act No. 556 shall apply both prospectively and retroactively on and after May 2, 1978.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	Smith
Barron	Goodwin	Miller	Teague
Britnell	Hall	Mitchem	Vacca
Callahan	Holmes	Parsons	Weeks
Cook	Keener	Pearson	White
Denton	Lemaster		

—25

*Nays:* —0

## The Bill:

H. 962. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same.

was read a third time at length and passed.

Yeas 25; Nays 0.

## Yeas:

Messrs.:	Goodwin	Martin	Proctor	
Barron	Gulledge	McDonald	St. John	
Callahan	Harrison	Miller	Taylor	
Cook	Holmes	Mitchem	Vacca	
Denton	Keener	Parsons	Weeks	
Figures	Kirkland	Pearson	White	
Glass	Little			—25

## Nays:

—0

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 274. URGING IMMEDIATE CONGRESSIONAL ACTION TO PROVIDE A LEVEL OF FUNDING ADEQUATE TO THE NEEDS OF THE STATES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

On motion of Mr. McDonald, said Resolution was then concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate.

S. J. R. 216. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

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H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

JOHN W. PEMBERTON,  
Clerk.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.  
was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 390, to-wit:

COMMITTEE AMENDMENT TO H. B. 390

Amend H. 390 as follows:

On page one, in Section 1, delete the words and figure: "Ten Thousand Dollars (\$10,000.00)" and insert in lieu thereof the words and figure:

Eighty-five Hundred Dollars (\$8,500.00)

On motion of Mr. White, said amendment was laid on the table.

Mr. White then offered the following amendment to the Bill, H. B. 390, to-wit:

AMENDMENT TO H. B. 390

Amend H. B. 390 as follows:

On page 1, Section 1, delete the words and figure: Ten Thousand Dollars (\$10,000) and insert in lieu thereof the words and figure:

Seven Thousand Five Hundred Dollars (\$7,500)

Which was adopted.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Barron	Goodwin	Miller	Taylor
Britnell	Hall	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	Weeks
Denton	Lemaster	Proctor	White
Figures	Little		

—25

Nays:

—0

And said Bill, H. B. 390, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Glass	Martin	Smith	
Barron	Goodwin	McDonald	Taylor	
Britnell	Hall	Miller	Teague	
Callahan	Holmes	Mitchem	Vacca	
Cook	Keener	Pearson	Weeks	
Denton	Lemaster	Proctor	White	
Figures	Little			—25

*Nays:* —0*Abstaining:* Mr. Parsons. —1

## RESOLUTION

Mr. Little offered the following Senate Resolution, to-wit:

S. R. 222. HONORING AUBURN UNIVERSITY'S CHAMPION SWIMMER, AMBROSE "ROWDY" GAINES.

Which was adopted.

REPORT OF COMMITTEE ON  
CONFERENCE ON S. B. 540

We the Committee on Conference appointed to reconcile the disagreement between the two houses concerning Senate Bill 540, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,

JAMES G. SASSER,

RICHARD MANLEY,

Conferees on the part of the House.

FINIS ST. JOHN,

J. RICHMOND PEARSON,

Conferees on the part of the Senate.

## CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 540

A BILL  
TO BE ENTITLED  
AN ACT

To provide a 16% increase in the state compensation payable to certain personnel in public education.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a 16% salary increase in the state salary paid to the education personnel enumerated in Section 2 of this act. Such increase is intended to be based exclusively on the base state salary paid to such personnel during fiscal year

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1978-79. By this act the legislature directs that the aforesaid 16% increase for fiscal year 1980-81 be paid from funds incorporated in and appropriated by the education appropriations act (pending SB 315) for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1981; it is not the intent of this act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the state board of education for disbursement to the local school systems, the technical, junior, and community colleges, the board of the Alabama Institute for Deaf and Blind, and the board of the Department of Youth Services, the funds necessary to grant a 16% increase in the amount of the base state salary paid to the below named education personnel; allocation shall be based on the following:

(a) State base salary payable during the 1978-79 fiscal year to teacher units funded by the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors at the Alabama Institute for Deaf and Blind and in the Department of Youth Services.

(b) State base salary payable during the 1978-79 fiscal year to full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems and at the Alabama Institute for Deaf and Blind.

All full-time support personnel, except lunchroom and cafeteria personnel, shall be authorized a full 16% salary increase to be distributed by the state board of education.

It is the intent of the legislature that local boards of education shall not decrease lunchroom workers salaries below the amount paid in 1979-80 and shall increase the salaries of all cafeteria and lunchroom workers a full 16%. This increase shall be paid by the local boards of education.

Any salary increase formerly granted to lunchroom workers shall be funded by the state in the amount of \$800 per lunchroom worker subject to the following conditions. The amount of \$800 per lunchroom worker shall be allotted only when a certification has been received by the state board of education from the local board of education stating that the local board of education has increased the salaries of lunchroom workers by 16% based on salaries for 1978-79 school year without any reduction for any increase funded by the state during that year.

If the local board of education elects not to receive the \$800 per lunchroom worker, the local board of education shall not be required to grant the 16% salary increase to lunchroom workers or to maintain any salary at the 1979-80 school year level.

(c) State base salary payable during the 1978-79 fiscal year to all full-time instructors, librarians, counselors, and such other full-time personnel as designated by the state board of education who are employed in the technical, junior and community colleges.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

## CONFERENCE REPORT

Mr. Proctor moved that the Senate non-concur in the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. B. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

and request that the present Conference Committee be discharged and a new Conference Committee appointed.

Mr. White offered a substitute motion that the Senate concur in the Conference Committee Report, which motion was lost.

Yeas 3; Nays 29.

*Yeas:* Messrs.: Callahan, Smith and White.

—3

*Nays:*

Messrs.:	Goodwin	Lemaster	Pearson
Bailey	Gulledge	Little	Proctor
Barron	Hall	Martin	Robertson
Britnell	Harrison	McDonald	St. John
deGraffenried	Higginbotham	Miller	Taylor
Denton	Holmes	Mitchem	Teague
Figures	Keener	Parsons	Vacca
Glass	Kirkland		

—29

The question then recurred on the motion of Mr. Proctor that the Senate non-concur in the Report of the Committee on Conference, which motion was adopted.

Yeas 31; Nays 1.

*Yeas:*

Messrs.:	Glass	Kirkland	Pearson
Bailey	Goodwin	Lemaster	Proctor
Barron	Gulledge	Little	Robertson
Britnell	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
deGraffenried	Higginbotham	Miller	Taylor
Denton	Holmes	Mitchem	Teague
Figures	Keener	Parsons	Vacca

—31

*Nays:* Mr. White.

—1

And the President and Presiding Officer of the Senate appointed as new Committee on part of the Senate Messrs. Pearson, St. John and Proctor.



REPORT OF COMMITTEE ON  
CONFERENCE ON S. B. 315

We the Committee on Conference appointed to reconcile the disagreement between the two houses concerning Senate Bill 315, have met, considered the bill, and have agreed to the attached:

Respectfully submitted,  
WALTER OWENS,  
JAMES G. SASSER,  
RICHARD MANLEY,

Conference on the part of the House.

J. RICHMOND PEARSON,  
G. HIGGINBOTHAM,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 315

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1981 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7 inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF shall mean Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1981 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the

accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

## SECTION 3.

## A. STATE AGENCIES

## 1. Academy of Honor, Alabama

(a) Historical Resources Management Program .....	950
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## SOURCE OF FUNDS:

(1) ASETF .....	950	
Total Alabama Academy of Honor .....	950	950

## 2. Arts and Humanities, Council on the

(a) Fine Arts Program .....	1,100,000
(b) Birmingham Symphony .....	200,000
(c) Alabama Shakespeare Festival .....	25,000

## SOURCE OF FUNDS:

(a) ASETF .....	525,000	
(2) Federal and Local Funds .....		800,000
Total Council on the Arts and Humanities .....	525,000	800,000
		1,325,000

## 3. Debt Service .....

(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII .....	214,525
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## (b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated .....	45,000
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For interest on Auburn University Endowment .....	20,280
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For interest on University of Alabama Endowment .....	61,000
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For interest on Grove Hill Endow-  
ment ..... 600

For interest on Public School Fund  
Endowment:

Interest on 16th Section lands, Es-  
timated ..... 410,000

Interest on School Indemnity  
Lands, Estimated ..... 90,000

Interest on Valueless 16th Section  
Lands ..... 5,825

Interest on Surplus Reve-  
nue ..... 26,764

Interest on James Wallace  
Fund ..... 275

Total ..... 874,269

SOURCE OF FUNDS:

(1) ASETF ..... 874,269

Total Debt Service ..... 874,269

874,269

4. Dental Scholarship Awards,  
Board of

(a) Support of Other Educational  
Activities Program .....

228,000

SOURCE OF FUNDS:

(1) ASETF ..... 228,000

Total Board of Dental Scholarship  
Awards ..... 228,000

228,000

(To be expended under the provi-  
sions of Act No. 662, 1977 Regu-  
lar Session.)

5. Education, Department Of

(a) Instructional Technical Assis-  
tance Program .....

7,644,166

The proposed spending plan for the  
above is as follows:

Right-to-Read ..... 80,250

Career Education ..... 105,600

Special Education Administra-  
tion ..... 525,000

State Fire College and Technical  
Assistance Program at Shelton  
State Community Col-  
lege ..... 250,000

Vocational Education .... 700,000

## SOURCE OF FUNDS:

(1) ASETF .....	1,660,850		
(2) Federal and Local Funds ....		<u>5,983,316</u>	
Total Instructional Technical Assistance Program .....	<u>1,660,850</u>	<u>5,983,316</u>	<u>7,644,166</u>

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act.)

(b) Local Agency Support Program .....			10,951,660
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The proposed spending plan for the above is as follows:

Coordination of In-School Television .....

114,159

School Bus Driver Training and Vehicle Safety Inspection .....

206,045

Free Textbooks .....

8,500,000

In addition to the above appropriation, \$1,500,000 is hereby appropriated for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing .....

800,000

Plans and Surveys .....

71,132

## SOURCE OF FUNDS:

(1) ASETF .....	9,691,336		
(2) Federal and Local Funds ....		<u>1,260,224</u>	
Total Local Agency Support Program .....	<u>9,691,336</u>	<u>1,260,224</u>	<u>10,951,560</u>

(c) Regulation Program .....			974,640
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Teacher Certification and Accreditation .....

227,000

## SOURCE OF FUNDS:

(1) ASETF .....	227,000		
(2) Federal and Local Funds ....		<u>747,640</u>	
Total Regulation Program .....	<u>227,000</u>	<u>747,640</u>	<u>974,640</u>

(d) Administrative Services Program .....			9,912,665
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The proposed spending plan for the  
above is as follows:

Compact for Education . . . 29,000

Operations and Maintenance of  
Department . . . . . 2,300,000

Telephone                      Revolving  
Fund . . . . . 1,200,000

SOURCE OF FUNDS:

(1) ASETF . . . . . 3,529,000

(2) Federal and Local Funds . . . . 6,383,665

Total Administrative Services Program . . . . . 3,529,000    6,383,665    9,912,665

The above appropriation shall include a transfer to the State Personnel Department of \$67,905.

(e) Adult Education Program . . . 4,351,706

The proposed spending plan for the  
above is as follows:

Adult Basic Education . . 1,000,000

Community Education . . . 96,000

SOURCE OF FUNDS:

(1) ASETF . . . . . 1,096,000

(2) Federal and Local Funds . . . . 3,255,706

Total Adult Education Program . . . . . 1,096,000    3,255,706    4,351,706

(f) Support of State Universities  
Program . . . . . 256,833

SOURCE OF FUNDS:

(1) Federal and Local Funds . . . . 256,833

Total Support of State Universities  
Program . . . . . 256,833    256,833

(g) Projects-Vocation  
Rehabilitation/Crippled Children  
Services Program . . . . . 4,324,007

SOURCE OF FUNDS:

(1) Federal and Local Funds . . . . 4,324,007

Total Projects-Voc. Rehab/Crippled  
Children Services Program . . . . . 4,324,007    4,324,007

(h) Disability Determination for  
Social Security Program . . . . . 8,336,401

SOURCE OF FUNDS:

(1) Federal and Local Funds . . . . 8,336,401

Total Disability Determination for Social Security Program .....	8,336,401	8,336,401
(i) Skill Enhancement and Employment Opportunities Program .....		8,181,221
SOURCE OF FUNDS:		
(1) Federal and Local Funds ....	8,181,221	
Total Skill Enhancement and Employment Opportunities Program .....	8,181,221	8,181,221
(j) Support of Other Educational Activities .....		10,000
The proposed spending plan for the above is as follows:		
Education of Dependents of Blind Parents .....	10,000	
SOURCE OF FUNDS:		
(1) ASETF .....	10,000	
Total Support of Other Educational Activities .....	10,000	10,000
For reimbursement of every State Institution of Higher Learning, College, University, or Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281,1966 Special Session.		
(k) Emergency Medical Services Education Program .....		1,350,000
To be distributed by the Department of Education as follows:		
(1) West Alabama Emergency Medical Services, Inc. ..	225,000	
(2) Birmingham Regional Emergency Medical System .....	225,000	
(3) North Alabama Emergency Medical Services, Inc. ..	225,000	
(4) Southeast Alabama Emergency Medical Services System, Inc. ....	225,000	
(5) East Alabama Emergency Medical Services, Inc. ..	225,000	
(6) Southwest Alabama Emergency Medical Services Council, Inc. ....	225,000	

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The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

SOURCE OF FUNDS:

(1) ASETF .....	<u>1,350,000</u>		
Total Emergency Medical Services Education Program .....	<u>1,350,000</u>		<u>1,350,000</u>
(1) Direct Client Services for the Handicapped .....			41,550,140
Crippled Children Services Program .....	4,300,000	3,058,200	7,358,200
Hemophilia Program .....	300,000		300,000
Homebound Program .....	2,600,000		2,600,000
Rehabilitation Services Program	6,220,000	24,871,940	31,091,940
Handicapped Recreation Program	200,000		200,000

(To provide recreation and services at a year round accredited handicapped recreation facility).

SOURCE OF FUNDS:

(1) ASETF .....	13,620,000		
(2) Federal and Local Funds ....		<u>27,930,140</u>	
Total Direct Client Services for the Handicapped .....	<u>13,620,000</u>	<u>27,930,140</u>	<u>41,550,140</u>

Total Department of Education

SOURCE OF FUNDS:

(1) ASETF .....	31,184,186		
(2) Federal and Local Funds ....		<u>66,659,153</u>	
Grand Total Department of Education .....	<u>31,184,186</u>	<u>66,659,153</u>	<u>97,843,339</u>

6. Employees Insurance, State .. 405,400

SOURCE OF FUNDS:

(1) ASETF .....	<u>405,400</u>		
Total State Employees Insurance	<u>405,400</u>		<u>405,400</u>

7. Employees Retirement, State . 200,332

SOURCE OF FUNDS:

(1) ASETF .....	<u>200,332</u>		
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Total State Employees Retirement	<u>200,332</u>	<u>200,332</u>
8. Examiners of Public Accounts		
(a) Legislative Support-Audit Services Program .....		1,061,017
For purposes of auditing all phases of public education.		
SOURCE OF FUNDS:		
(1) ASETF .....	<u>1,061,017</u>	
Total Examiners of Public Accounts .....	<u>1,061,017</u>	<u>1,061,017</u>
9. Fine Arts, Alabama School of		
(a) Fine Arts Program .....		985,000
SOURCE OF FUNDS:		
(1) ASETF .....	900,000	
(2) Federal and Local Funds ....		<u>85,000</u>
Total Alabama School of Fine Arts	<u>900,000</u>	<u>85,000</u> <u>985,000</u>
10. Firefighters' Personnel Standards and Education Commission, Alabama		
(a) Professional and Occupational Licensing & Regulation Program .....		135,325
The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$196.		
SOURCE OF FUNDS:		
(1) ASETF .....	<u>135,325</u>	
Total Alabama Firefighters' Personnel Standards and Education Commission .....	<u>135,325</u>	<u>135,325</u>
11. Health, Department of Public		
(a) Health Support Services Program .....		500,000
For immunization of preschool children and students and for public school food sanitation.		
(b) Personal Health Improvement Program .....		750,000
Provided, however, that the above appropriation shall be expended only for the continuation of a		



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perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.

SOURCE OF FUNDS:

(1) ASETF .....	<u>1,250,000</u>	
Total Department of Public Health .....	<u>1,250,000</u>	<u>1,250,000</u>
12. Higher Education, Commission on		
(a) Planning & Coordination Services Program .....		905,272
(b) Alabama Student Assistance Program .....		1,818,607
(c) Alabama Student Grant Program .....		3,000,000

SOURCE OF FUNDS:

(1) ASETF .....	4,443,867		
(2) Federal and Local Funds ....		<u>1,280,012</u>	
Total Commission on Higher Education .....	<u>4,443,867</u>	<u>1,280,012</u>	<u>5,723,879</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

13. Historical Commission, Alabama			
(a) Historical Resources Management Program .....			100,000

SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>		
Total Alabama Historical Commission .....	<u>100,000</u>		<u>100,000</u>

The above appropriation shall be expended as follows:

Fort Toulouse .....	75,000
Historic Blakely Foundation .....	25,000

14. Industrial Development Training Institute, Alabama			
(a) Industrial Program .....			1,660,000

## SOURCE OF FUNDS:

(1) ASETF .....	1,600,000		
(2) Federal and Local Funds ....		60,000	
Total Alabama Industrial Development Training Institute ....	1,600,000	60,000	1,660,000

## 15. Junior College School System

(a) Academic Instruction and Institutional Support Program ..			71,496,956
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## SOURCE OF FUNDS:

(1) ASETF .....	44,745,763		
(2) Federal and Local Funds ....		10,235,056	
(3) State Funds .....		846,012	
(4) Other Funds .....		10,900,045	
(5) Auxiliary Enterprises .....		4,770,080	
Total Junior College School System .....	44,745,763	26,751,193	71,496,956

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1979-80 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1979-80 academic year in accordance with the number of quarter hours attempted within the departments. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S.D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

## 16. Law Institute, Alabama

(a) Support of Other Educational Activities Program .....	211,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>211,000</u>	
Total Alabama Law Institute ....	<u>211,000</u>	<u>211,000</u>

17. Legislature

(a) House and Senate Operations and Support Program .....	1,500,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,500,000</u>	
Total Legislature .....	<u>1,500,000</u>	<u>1,500,000</u>

18. Library Service, Public

(a) Public Library Service Pro- gram .....	4,159,162
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The appropriation to the Public Li-  
brary Service shall include a  
transfer to the State Personnel  
Department of \$2,700.

SOURCE OF FUNDS:

(1) ASETF .....	3,000,000	
(2) Federal and Local Funds ....	<u>1,159,162</u>	
Total Public Library Service ....	<u>3,000,000</u>	<u>1,159,162</u>
		<u>4,159,162</u>

19. Marine Environmental Sci-  
ences Consortium

(a) Support of Other Educational Activities Program .....	652,353
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SOURCE OF FUNDS:

(1) ASETF .....	512,000	
(2) Federal and Local Funds ....	<u>140,353</u>	
Total Marine Environmental Sci- ences Consortium .....	<u>512,000</u>	<u>140,353</u>
		<u>652,353</u>

20. Medical Scholarships Awards,  
Boards of

(a) Support of Other Educational Activities Program .....	711,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>711,000</u>	
Total Board of Medical Schol- arships Awards .....	<u>711,000</u>	<u>711,000</u>

(To be expended under the provi-  
sions of Act No. 663, 1977 Regu-  
lar Session.)

21. Minimum Program and Public  
School Fund:

(a) Financial Assistance Program 474,344,337

## SOURCE OF FUNDS:

(1) ASETF .....	445,667,852	
(2) Public School Fund .....		24,000,000
(3) Local Funds .....		<u>4,676,485</u>

Total Minimum Program and Public School Fund .....	<u>445,667,852</u>	<u>28,676,485</u>	<u>474,344,337</u>
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The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1980-81 is based on 24,395 teacher units.

It is provided in the event there are more than 24,395 earned teacher units for the fiscal year 1980-81, then such amount necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,630.33 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit. The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715.

## 22. Board of Education

(a) Financial Assistance Program 252,342,452

## SOURCE OF FUNDS:

(1) ASETF ..... 252,342,452

Total Board of Education .....	<u>252,342,452</u>	<u>252,342,452</u>
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(a) To be distributed by State Board of Education for: Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers .....15,500,000

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Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative supervisory unit, full time support employee, and adult school bus driver, provided that no more than \$247.20 shall be appropriated per person.

(b) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick  
Leave .....900,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal  
Leave .....1,000,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace  
Fees .....10,637,550

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III and Title IV teachers and ESAA teachers).

(f) Maintenance ..... 6,000,000

(g) Continuation of funds previously granted for Special  
Education ..... 28,140,268

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P.L. 94-482) for vocational education for the handicapped. Of the \$28,140,268 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled, and \$18,000 to Auburn University Preschool for Multi-handicapped children. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P.L. 94-142.

- (h) Kindergarten teacher  
units ..... 18,836,410

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (i) Driver Education ... 8,720,560

The above appropriation is for 500 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (j) Supportive teacher  
units ..... 30,382,431

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (k). The above appropriation is for 1,742 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (k) Continuation of Teacher Units  
to reduce pupil-teacher ratio in  
grades 1-6 ..... 11,336,728

The above appropriation is for 650 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

- (l) Special Education . 57,483,640

The above appropriation is for 3,250 teacher units and includes salaries, other current expenses, capital outlay, and transportation at the same rate as provided in the Minimum Program.

- (m) Vocational teacher  
units ..... 53,317,265

The appropriation hereinabove for Vocational Education shall be disbursed or obligated in accordance with rules and regulations

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approved by the State Board of Education upon the recommendation of the State Superintendent.

(n) Salary increase for lunch-room workers formerly granted ..... 6,197,600

23. Nursing, Alabama Board of

(a) Professional and Occupational Licensing and Regulation Program .....

607,000

The appropriation to the Alabama Board of Nursing shall include a transfer to the State Personnel Department of \$540.

SOURCE OF FUNDS:

(1) ASETF—as provided in Act No. 68, 1977 Special Session, Scholarships for Graduate Nurses ..

57,000

(2) Alabama Board of Nursing Trust Fund—as provided in Title 34, Chapter 21, Code of Alabama 1975, as amended .....

550,000

Total Alabama Board of Nursing

57,000

550,000

607,000

24. Peace Officers Standards and Training Commission, Alabama

(a) Professional and Occupational Licensing and Regulation Program .....

122,000

(b) Certified Law Enforcement Academy Programs .....

210,500

Jacksonville State University .....

40,000

University of Alabama ....

40,000

James H. Faulkner Jr. Col.

40,000

Troy St. Univ.

Montgomery .....

40,000

Dept. of Public Safety-Craig AFB .....

50,500

The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) ASETF .....

332,500

Total Alabama Peace Officers Standards and Training Commission .....	<u>332,500</u>	<u>332,500</u>
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25. Physical Fitness, Commission  
On

(a) Advisory Services Program ..		76,000
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The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$196.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>76,000</u>	
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Total Commission on Physical Fitness .....	<u>76,000</u>	<u>76,000</u>
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26. Postsecondary Vocational-  
Technical Education System

(a) Instructional and Institutional Support Program .....		49,358,228
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## SOURCE OF FUNDS:

(1) ASETF .....	36,776,035	
(2) Federal and Local Funds ....		1,042,332
(3) State Funds .....		563,944
(4) Other Funds .....		7,691,145
(5) Auxiliary Enterprises .....		<u>3,284,772</u>

Total Postsecondary Vocational- Technical Education System ..	<u>36,776,035</u>	<u>12,582,193</u>	<u>49,358,228</u>
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For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J.F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J.F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N.F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C.A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical



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Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

27. Social Security (ASETF SHARE)

(a) For State's share of Social Security, Estimated .....	69,400,000
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(Includes payment of MICA)

SOURCE OF FUNDS:

(1) ASETF .....	69,400,000	
Total Social Security .....	69,400,000	69,400,000

28. Teachers' Retirement System of Alabama

(a) Retirement Systems Program, Estimated .....	170,073,900
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SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System .....	161,313,900	
(2) ASETF-Teachers' Special Pensions Fund .....	8,760,000	
Total Retirement Systems Program (State's Share) .....	170,073,900	170,073,900

The above appropriation shall be expended in accordance with the statutes and regulations now or hereafter existing relating to the expenditure of such Teachers' Retirement Fund.

29. Tenure Commission, State

(a) Regulation Program .....	9,000
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SOURCE OF FUNDS:

(1) ASETF .....	9,000	
Total State Tenure Commission ..	9,000	9,000

30. Television Commission, Education

(a) Educational TV Services Program .....	2,455,000
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(b) Public Radio Services Program .....	176,000
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SOURCE OF FUNDS:

(1) ASETF .....	2,000,000	
(2) Federal and Local Funds ....	631,000	
Total Education Television Commission .....	2,000,000	631,000
		2,631,000

31. Unemployment Compensation		1,750,000
SOURCE OF FUNDS:		
(1) ASETF .....	<u>1,750,000</u>	
Total Unemployment Compensation .....	<u>1,750,000</u>	<u>1,750,000</u>
32. Veterans' Education Benefits		
(a) Administration of Veterans' Affairs Program .....		1,215,000
SOURCE OF FUNDS:		
(1) ASETF .....	<u>1,215,000</u>	
Total Veterans' Education Benefits .....	<u>1,215,000</u>	<u>1,215,000</u>

The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

33. Youth Services, Department of		
(a) Youth Services Program .....		8,859,755

The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,787.

SOURCE OF FUNDS:			
(1) ASETF .....	7,839,835		
(2) Federal and Local Funds .....		<u>1,019,920</u>	
Total Department of Youth Services .....	<u>7,839,835</u>	<u>1,019,920</u>	<u>8,859,755</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session.)

34. Study Commission, Alabama Education		
(a) Advisory Services Program ..		100,000
SOURCE OF FUNDS:		
(1) ASETF .....	<u>100,000</u>	
Total Alabama Education Study Commission .....	<u>100,000</u>	<u>100,000</u>

(To be used for educational studies in accordance with Act No. 15, 1969 Special Session.)

#### Section 4.

#### A. Financial Assistance to Non-state Educational Agencies

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1. American Legion and Auxiliary  
Scholarships

(a) Support of Other Educational  
Activities Program .....

4,700

SOURCE OF FUNDS:

(1) ASETF ..... 4,700

Total American Legion and Auxil-  
iary Scholarships .....

4,700

4,700

(To be expended under the provi-  
sions of Act No. 676, 1978 Regu-  
lar Session.)

2. Arts Hall of Fame

(a) Fine Arts Program .....

6,000

SOURCE OF FUNDS:

(1) ASETF ..... 6,000

Total Alabama Arts Hall of Fame .....

6,000

6,000

3. Environmental Quality Associ-  
ation, Alabama

(a) Environmental Education Pro-  
gram .....

175,000

SOURCE OF FUNDS:

(1) ASETF ..... 175,000

Total Alabama Environmental  
Quality Association .....

175,000

175,000

4. Opportunities Industrialization  
Centers

(a) Skills Enhancement and Em-  
ployment Opportunities Pro-  
gram .....

175,000

SOURCE OF FUNDS:

(1) ASETF ..... 175,000

Total Opportunities Industrializa-  
tion Centers .....

175,000

175,000

5. Sickie Cell Association, Inc.,  
East Alabama

(a) Sickie Cell Education Program .....

30,000

SOURCE OF FUNDS:

(1) ASETF ..... 30,000

Total East Alabama Sickie Cell As-  
sociation .....

30,000

30,000

6. Sylacauga Nurses Training  
School

(a) Support of Other Educational Activities Program .....	93,000
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>93,000</u>
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Total Sylacauga Nurses Training School .....	<u>93,000</u>	<u>93,000</u>
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## Section 5. Colleges, Universities and Schools

## I. Board of Trustees of University of Alabama

## A. The University

1. Operations and Maintenance .	36,497,905	28,190,591	64,688,496
2. Research, Extension and Public Service .....	2,074,456	218,487	2,292,943
3. Emergency Medical Services .	141,533	92,632	234,165
4. Center for Emotionally Disturbed Children .....	533,215	472,652	1,005,867
5. Nursing Scholarships .....	18,000		18,000
6. School of Mines .....	1,161,814	927,610	2,089,424
7. Family Practice Center .....	839,736	641,096	1,480,832
8. Alabama Museum of Natural History .....	167,273	44,164	211,437
9. College of Community Health Services Medical Education ...	2,440,008	1,260,000	3,700,008
10. Vocational Teacher Training	381,442	182,158	563,600
11. Cooperative University Upper Division Program .....	217,004	75,000	292,004
12. Rural Infant Stimulation Environment Program .....	140,465	63,429	203,894
13. High Risk Nursery .....	113,226		113,226
14. Safe State Program .....	173,923		173,923
15. Auxiliary Enterprises .....		<u>18,742,893</u>	<u>18,742,893</u>

## SOURCE OF FUNDS:

(1) ASETF .....	44,900,000
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(2) Other Funds .....	<u>50,910,712</u>
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Total University of Alabama ....	<u>44,900,000</u>	<u>50,910,712</u>	<u>95,810,712</u>
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## B. University of Alabama in Birmingham

1. University College .....	15,583,842	12,437,344	28,021,186
2. School of Public and Allied Health .....	2,347,460	1,956,364	4,303,824
3. Regional Technical Institute ..	1,956,990	402,465	2,359,455

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4. Joint Health Sciences .....	3,051,326	1,432,456	4,483,782
5. Student Nurses Loans .....	12,000		12,000
6. Nursing Scholarships .....	88,400		88,400
7. School of Nursing .....	3,407,980	2,375,206	5,783,186
8. Center for Labor Education and Research .....	285,196		285,196
9. Urban Research and Public Ser- vice .....	328,604		328,604
10. School of Medicine .....	17,607,115	45,971,958	63,577,073
11. School of Optometry .....	2,258,777	1,829,134	4,087,911
12. School of Dentistry .....	7,677,297	9,310,026	16,987,323
13. System Medical Education Program .....	529,440		529,440
14. Family and Other Primary Care Residency Program .....	1,705,271		1,705,271
The above appropriation shall be expended for residency programs as follows:			
Anniston .....	268,654		
East End .....	268,654		
Jefferson County .....	268,655		
Montgomery .....	268,654		
Selma .....	362,000		
Gadsden .....	268,654		
15. Montgomery Internal Medicine .....	258,147		258,147
16. University Hospital .....	6,268,638	104,192,236	110,460,874
17. School of Engineering and Business .....	200,000		200,000
18. Public Health School .....	200,000		200,000
19. Department of Pediatrics ....	334,022		334,022
20. Health-Related Research and Public Service .....	3,036,903		3,036,903
21. Emergency Medical Training ..	173,392		173,392
22. Hypertension Research .....	420,600		420,600
23. Multipurpose Arthritis Center ..	420,600		420,600
24. Medical Genetics Program ..	200,000		200,000
25. Special Mental Health .....		3,222,284	3,222,284
26. Center for Developmental and Learning Disorders .....		544,707	544,707
27. Auxiliary Enterprises .....		6,675,000	6,675,000

**SOURCE OF FUNDS:**

(1) ASETF ..... 68,350,000

(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds .....		<u>186,582,189</u>	
Total University of Ala. in Bir- mingham .....	<u>68,350,000</u>	<u>190,349,180</u>	<u>258,699,180</u>
C. University of Alabama in Huntsville			
1. Operations and Maintenance .	6,721,621	6,235,320	12,956,941
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research .....	50,000		50,000
4. School of Primary Medical Care	2,898,401	405,133	3,303,534
5. Community Medicine Rural Preceptorship Program .....	30,000		30,000
6. Johnson Environmental and Energy Center .....	287,541	1,489,765	1,777,306
7. Ambulatory Care Center .....	681,773	739,623	1,421,396
8. School of Nursing .....	894,247	272,521	1,166,768
9. Paramedic Training .....	131,910		131,910
10. Alabama Solar Energy Center	286,507		286,507
11. Auxiliary Enterprises .....		<u>1,405,801</u>	<u>1,405,801</u>
SOURCE OF FUNDS:			
(1) ASETF .....	12,000,000		
(2) Other Funds .....		<u>10,548,163</u>	
Total University of Alabama in Huntsville .....	<u>12,000,000</u>	<u>10,548,163</u>	<u>22,548,163</u>
II. Board of Trustees of Alabama A & M University			
A. Alabama A & M University			
1. Operations and Maintenance .	9,425,000	11,475,698	20,900,698
2. Vocational Teacher Training .	275,000		275,000
3. Auxiliary Enterprises .....		<u>3,483,602</u>	<u>3,483,602</u>
SOURCE OF FUNDS:			
(1) ASETF .....	9,700,000		
(2) Other Funds .....		<u>14,959,300</u>	
Total Alabama A & M University	<u>9,700,000</u>	<u>14,959,300</u>	<u>24,659,300</u>
III. Board of Trustees of Alabama State University			
A. Alabama State University			
1. Operations and Maintenance .	8,350,000	4,006,200	12,356,200
2. Auxiliary Enterprises .....		<u>3,428,130</u>	<u>3,428,130</u>

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SOURCE OF FUNDS:

(1) ASETF .....	8,350,000		
(2) Other Funds .....		<u>7,434,330</u>	
Total Alabama State University .	<u>8,350,000</u>	<u>7,434,330</u>	<u>15,784,330</u>

IV. State Board of Education

A. Athens State College

1. Operations and Maintenance .	1,620,000	1,396,954	3,016,954
2. Auxiliary Enterprises .....		<u>336,925</u>	<u>336,925</u>

SOURCE OF FUNDS:

(1) ASETF .....	1,620,000		
(2) Other Funds .....		<u>1,733,879</u>	
Total Athens State College .....	<u>1,620,000</u>	<u>1,733,879</u>	<u>3,353,879</u>

V. Board of Trustees of Auburn University

A. Auburn University

1. Operations and Maintenance .	39,902,614	30,344,666	70,247,280
2. School of Nursing .....	425,000		425,000
3. Educational Television .....	376,712		376,712
4. Center for Vocational and Adult Education .....	535,000		535,000
5. Clinical Psychology .....	117,700		117,700
6. Engineering Experiment Station .....	896,054		896,054
7. Public Service, Research and Extension .....	386,120		386,120
8. Energy Research .....	275,800		275,800
9. Food Animal Health & Disease Research .....	200,000		200,000
10. Auxiliary Enterprises .....		<u>21,926,138</u>	<u>21,926,138</u>

SOURCE OF FUNDS:

(1) ASETF .....	43,115,000		
(2) Other .....		<u>52,270,804</u>	
Total Auburn University .....	<u>43,115,000</u>	<u>52,270,804</u>	<u>95,385,804</u>

B. Agricultural Experiment Station

1. Operations and Maintenance .	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>
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SOURCE OF FUNDS:

(1) ASETF .....	8,300,000		
(2) Other .....		<u>9,220,328</u>	

Total Agricultural Experiment Station .....	8,300,000	9,220,328	17,520,328
C. Cooperative Extension Service			
1. Operations and Maintenance .	10,257,000	9,611,536	19,868,536
SOURCE OF FUNDS:			
(1) ASETF .....	10,257,000		
(2) Other .....		9,611,536	
Total Cooperative Extension Ser .	10,257,000	9,611,536	19,868,536
D. Auburn University at Montgomery			
1. Operations and Maintenance .	6,211,932	4,601,761	10,813,693
2. Montgomery Area Community Health Sciences Institute .....	52,068		52,068
3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	163,500	32,037	195,537
4. School of Nursing .....	272,500	3,010	275,510
5. Auxiliary Enterprises .....		1,289,206	1,289,206
SOURCE OF FUNDS:			
(1) ASETF .....	6,700,000		
(2) Other .....		5,926,014	
Total Auburn U. at Montgomery	6,700,000	5,926,014	12,626,014
VI. Board of Trustees of Jacksonville State University:			
A. Jacksonville State University			
1. Operations and Maintenance .	11,797,000	3,915,183	15,712,183
2. Gadsden Program .....	485,000	110,000	595,000
3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama .....	100,000		100,000
5. Vocational Teacher Training .	100,000		100,000
6. Auxiliary Enterprises .....		1,375,000	1,375,000
SOURCE OF FUNDS:			
(1) ASETF .....	12,500,000		
(2) Other .....		5,400,183	
Total Jacksonville State University .....	12,500,000	5,400,183	17,900,183
VII. Board of Trustees of Livingston State University:			



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**A. Livingston State University**

1. Operation and Maintenance ..	3,882,000	750,129	4,632,129
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,179,309</u>	<u>1,179,309</u>

**SOURCE OF FUNDS:**

(1) ASETF .....	3,900,000		
(2) Other .....		<u>1,929,438</u>	
Total Livingston State University	<u>3,900,000</u>	<u>1,929,438</u>	<u>5,829,438</u>

**VIII. Board of Trustees of University of Montevallo:**

**A. University of Montevallo**

1. Operations and Maintenance .	6,115,443	3,058,288	9,173,731
2. School for Aphasic Children ..	223,399	16,000	239,399
3. Highway Safety Program ....	140,799		140,799
4. Communication Center .....	20,359	65,000	85,359
5. Auxiliary Enterprises .....		<u>2,459,750</u>	<u>2,459,750</u>

**SOURCE OF FUNDS:**

(1) ASETF .....	6,500,000		
(2) Other Funds .....		<u>5,599,038</u>	
Total University of Montevallo ..	<u>6,500,000</u>	<u>5,599,038</u>	<u>12,099,038</u>

**IX. Board of Trustees of University of North Alabama:**

**A. University of North Alabama**

1. Operations and Maintenance .	7,932,000	2,904,210	10,836,210
2. Nursing School Scholarships .	18,000		18,000
3. Auxiliary Enterprises .....		<u>2,939,575</u>	<u>2,939,575</u>

**SOURCE OF FUNDS:**

(1) ASETF .....	7,950,000		
(2) Other .....		<u>5,843,785</u>	
Total University of North Alabama .....	<u>7,950,000</u>	<u>5,843,785</u>	<u>13,793,785</u>

**X. Board of Trustees of South Alabama:**

**A. University of South Alabama**

1. Operations and Maintenance .	11,824,547	8,233,978	20,058,525
2. Medical Research and Public Service .....	362,128		362,128

(Includes Statewide Medical Education, Ambulatory Care,

Human and Clinical Nutrition  
Program and Reproductive  
Health Sciences Center.)

3. Family Practice Residency Program .....	577,000		577,000
4. College of Medicine .....	9,000,000	7,046,456	16,046,456
5. Medical Center Hospital .....	1,677,427	28,544,510	30,221,937
6. Newborn Growth and Development Program .....	80,000		80,000
7. Division of Allied Health .....	700,000	101,946	801,946
8. School of Nursing .....	600,000	199,166	799,166
9. Nursing Scholarships .....	18,000	5,550	23,550
10. Research, Public Service and Extension .....	91,398	33,583	124,981
11. Paramedic Training Program .....	137,500	58,075	195,575
12. Basic Medical Sciences .....	250,000		250,000
13. Birth Defect Genetic Center .....	220,000		220,000
14. Auxiliary Enterprises .....		<u>3,770,970</u>	<u>3,770,970</u>

## SOURCE OF FUNDS:

(1) ASETF .....	25,538,000		
(2) Other .....		<u>47,994,234</u>	
Total University of South Alabama .....	<u>25,538,000</u>	<u>47,994,234</u>	<u>73,532,234</u>

XI. Board of Trustees of Troy State  
University:

1. Operations and Maintenance at Troy .....	7,248,000	4,280,000	11,528,000
2. Operations and Maintenance at Ft. Rucker/Dothan .....	975,000	1,152,462	2,127,462
3. Operations and Maintenance in Montgomery .....	250,000	1,478,680	1,728,680
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	56,000	495,000	551,000
6. School of Nursing-Montgomery .....	250,000	18,000	268,000
7. Branch Campus at Phenix City .....	85,000	390,000	475,000
8. Auxiliary Enterprises .....		<u>3,587,707</u>	<u>3,587,707</u>

## SOURCE OF FUNDS:

(1) ASETF .....	8,900,000		
(2) Other .....		<u>11,401,849</u>	
Total Troy State University .....	<u>8,900,000</u>	<u>11,401,849</u>	<u>20,301,849</u>

XII. Board of Trustees for Ala-  
bama Institute For Deaf and  
Blind:

A. Alabama Institute for Deaf and Blind

1. Operations and Maintenance .	5,125,760	2,314,000	7,439,760
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B. Department of Adult Blind and Deaf

1. Special Technical Facility ....	1,323,769	2,388,916	3,712,685
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2. Industries for the Blind .....	486,471	7,586,230	8,072,701
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SOURCE OF FUNDS:

(1) ASETF .....	6,936,000		
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(2) Other .....		<u>12,289,146</u>	
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Total Alabama Institute for Deaf & Blind .....	<u>6,936,000</u>	<u>12,289,146</u>	<u>19,225,146</u>
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Section 6.

Governor's Education Program.

To State Department of Education-Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program, and Liability Insurance .....

2,000,000

Section 7.

A. Other Educational Appropriations:

(1) Trenholm State Technical College .....	125,000
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For Emergency Medical Services Program

(2) University of South Alabama	200,000
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For unreimbursable losses caused by Hurricane Frederic.

In addition to the above appropriation, there is hereby appropriated \$200,000 to the University of South Alabama for Hurricane Damage to be conditional upon the condition of the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(3) Mobile County Board of Education .....	200,000
--------------------------------------------	---------

For unreimbursable losses caused by Hurricane Frederic.

In addition to the above appropriation, there is hereby appropriated \$200,000 to the Mobile

County Board of Education for Hurricane Damage to be conditional upon the condition of the Alabama Special Educational Trust Fund and upon the approval of the Governor.

- (4) Baldwin County Board of Education ..... 100,000

For unreimbursable losses caused by Hurricane Frederic.

In addition to the above appropriation, there is hereby appropriated \$100,000 to the Baldwin County Board of Education for Hurricane Damage to be conditional upon the condition of the Alabama Special Educational Trust Fund and upon the approval of the Governor.

- (5) Spain Rehabilitation Center . 250,000

For capital outlay.

- (6) Diabetic Institute at University of Alabama in Birmingham 100,000

In addition to the above appropriation, there is hereby appropriated \$500,000 to the Diabetic Institute at the University of Alabama in Birmingham to be conditional upon the condition of the Special Educational Trust Fund and upon the approval of the Governor.

#### Section 8.

##### A. Special Mental Health Fund:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

##### B. Public School Fund:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

Section 9. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

Section 10. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

Section 11. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

Section 12. This act shall become effective in October 1, 1980.

### CONFERENCE REPORT

On motion of Mr. Pearson, the Senate non-concurred in the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. B. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

and requested that the present Conference Committee be discharged and a new Conference Committee appointed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Proctor
Bailey	Gulledge	Lemaster	Robertson
Barron	Hall	Little	Smith
Britnell	Harrison	Martin	Taylor
deGraffenried	Higginbotham	Miller	Teague
Denton	Holmes	Mitchem	Vacca
Figures	Keener		

—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Higginbotham, Proctor and Pearson.

UNFINISHED BUSINESS  
BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the Unfinished Business for today, which was the Bill:

H. 473. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

The question was on the deGraffenried substitute amendment for the Robertson amendment to the Bill, H. B. 473, which said amendments are set out in the Journal of the Senate for the Twenty-Ninth Legislative Day.

On motion of Mr. deGraffenried, his substitute amendment was laid on the table.

And on motion of Mr. Robertson, his amendment was laid on the table.

Mr. Robertson then offered the following amendment to the Bill, H. B. 473, to-wit:

## AMENDMENT TO H. B. 473

Amend H. B. 473 by adding the following on page 3

"Section 4. The provisions of this act shall not apply to Act 77-323, 1977 Regular Session."

And renumbering the following sections accordingly.

## MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to Alabama A & M University Board of Trustees.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

Done this 19th day of May, 1980.

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To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. Ed Ragland, Huntsville, Alabama, as a member of the Alabama A & M University Board of Trustees, representing the Fifth District, for the term expiring January 31, 1992, succeeding Dr. P.T. Farrish.

Respectfully,

FOB JAMES,  
Governor.

Done this 19th day of May, 1980.

GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to Alabama A & M University Board of Trustees, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to an appointment to the University of South Alabama Board of Trustees.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

Done this 19th day of May 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, Mr. John A. Counts, Mobile, Alabama, as a Member at Large of the University of South Alabama Board of Trustees to fill the unexpired term of Harry Sonneborn (resigned) ending September 30, 1985.

Respectfully,

FOB JAMES,  
Governor.

Done this 19th day of May, 1980.

## GOVERNOR'S MESSAGE

The foregoing Message from His Excellency, the Governor, relative to an appointment to the University of South Alabama Board of Trustees, was read and referred to the Standing Committee on Rules.

## RESOLUTION

Mr. Glass offered the following Senate Resolution, to-wit:

S. R. 223. COMMENDING THE MOBILE COUNTY CIVIL DEFENSE DEPARTMENT.

Which was adopted.

## FURTHER CONSIDERATION OF H. B. 473

The Senate proceeded to further consideration of the Bill, H. B. 473. The question was on the amendment offered by Mr. Robertson, which said amendment was then lost.

Yeas 4; Nays 5.

Yeas: Messrs.: Barron, Hall, Robertson and White. —4

Nays:

Messrs.:	Harrison	Kirkland	Proctor	
deGraffenried	Keener			—5

Mr. Robertson then offered the following amendment to the Bill, H. B. 473, to-wit:

## AMENDMENT TO H. B. 473

Amend H. 473, page 2, Section 2, lines 10 through 14 by deleting the following words and figures:

"Clerks of the circuit court and registers shall receive an \$1,800.00 increase in state salary beginning on October 1, 1980; provided that such increase shall in no way apply to or otherwise diminish any local supplement currently provided to any circuit court clerk or register pursuant to any general or local act; provided that the "

and insert in lieu thereof the following: The

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:



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By Reps. Gafford, Holley, Venable, Harper (O), McCorquodale, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (T), Harrison, Harvey, Hilliard, Hines, Holmes, Horn, Howard, Jackson, Johnson (R.G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, Lewis, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby.

H. J. R. 327. MOURNING THE DEATH OF MRS. JENNIE ELIZABETH PEMBERTON.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Rules were suspended and the Resolution, H. J. R. 327, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Bailey offered the following Senate Resolution, to-wit:

S. R. 224. BESTOWING MAYORAL CAPACITY UPON RANDALL H. MARLOW OF CAMELOT, DOTHAN, ALABAMA.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

Also:

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the person to receive the tax notice.

Also:

H. 520. Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become

effective in the county unless the voters thereof approve the constitutional amendment, and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authorize bingo within Jefferson County.

JOHN W. PEMBERTON,  
Clerk.

#### FURTHER CONSIDERATION OF H. B. 473

The Senate proceeded to further consideration of the Bill, H. B. 473. The question was on the amendment offered by Mr. Robertson.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following House Bill:

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

and requests a committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Patton, Roberts, and Cooley.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. Martin, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, 1141, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John	
Bailey	Glass	Miller	Taylor	
Barron	Goodwin	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
Denton	Little			—25

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Martin, St. John and Teague.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

by a majority of those voting, said vote being Yeas 41, Nays 0.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 51, Nays 0.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

by a majority of those voting, said vote being Yeas 54, Nays 0.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 64, Nays 0.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Starkey, Greer and Coburn.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Denton, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1120, the title of which is set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Glass	McDonald	Smith	
Bailey	Hall	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Britnell	Keener	Parsons	Vacca	
Callahan	Lemaster	Pearson	Weeks	
Cook	Little	Proctor	White	
Denton	Martin			—25

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Denton, Keener and Martin.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary". Further, to repeal Section 27 of Act 328, H. 854 (Acts 1959, p. 907, Vol. 2) so as to delete the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department.

Also:

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes in the County; providing for the assessment, collection, and distribution of the proceeds of the tax, and of the adoption and promulgation of rules and regulations therefor by the governing body of said County; defining violations of the Act, and prescribing penalties therefor.

JOHN W. PEMBERTON,  
Clerk.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 1144. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's Department and counties having populations of not less than 300,000 nor more than 500,000. was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	Miller	Smith
Bailey	Holmes	Mitchem	Taylor
Barron	Keener	Parsons	Teague
Callahan	Lemaster	Pearson	Vacca
Cook	Little	Proctor	Weeks
Figures	Martin	St. John	White
Glass	McDonald		

—25

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a new Committee on Conference on the disagreement of the two Houses on the Bill:

S. 540. To provide a cost-of-living salary increase for all certified employees and full-time support personnel paid from state funds in the elementary-secondary schools, and the Alabama Institute for Deaf and Blind paid from state funds, and for all full-time academic instructional personnel in the Department of Youth Services paid from state funds, for full-time instructional staff for junior, technical, and community colleges paid from state funds, and to appropriate such additional funds as may be necessary to pay such increase, also, additional funds to Athens State College and the universities.

and has discharged the House conferees.

And the Speaker of the House has appointed as a new Committee on the part of the House Messrs. Owens, Manley and Sasser.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Trammell:

H. J. R. 337. HONORING MAYOR MAURICE WEST OF GRAYS-VILLE, ALABAMA FOR HIS DEDICATED SERVICE TO THE CITY.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Vacca, the Rules were suspended and the Resolution, H. J. R. 337, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## RESOLUTION

Messrs. Little and Higginbotham offered the following Senate Joint Resolution, to-wit:

S. J. R. 225. MOURNING THE DEATH OF LEE COUNTY SHERIFF JAMES PEARSON, JR.

WHEREAS, The Alabama Legislature has noted with a sense of deep regret the death of Lee County Sheriff James Pearson, Jr.; and

WHEREAS, Sheriff Pearson was a devoted community builder who served his people with great love and dedication as sheriff of Lee County for twelve years and as Assistant Chief of Police in the City of Auburn, Alabama for seven years prior to becoming Sheriff; and

WHEREAS, James Pearson was ever ready to contribute to the needs of his neighbors and for the progress and betterment of his county, state and country; and

WHEREAS, Mr. Pearson was a leader in the field of law enforcement whose knowledge and record was admired by both his fellow officers and laymen alike; and

WHEREAS, Sheriff Pearson administered the law in a fair and just manner and provided all Lee County residents with the sense of security derived from prudent and vigilant police protection; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, That we mourn the death of Sheriff James Pearson, Jr. and express our deep and sincere sympathy to his family to whom copies of this resolution shall be sent.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 98. To amend Section 9-18-1, Code of Alabama 1975, which provides for the Southern Interstate Nuclear Compact and repeals Sections 9-18-2 through 9-18-6, Code of Alabama 1975, which further provide for said Compact, so as to change the name of the Southern Interstate Nuclear Compact and the Southern Interstate Nuclear Board to the Southern States Energy Compact and the Southern States Energy Board, respectively; to expand the membership of the Board from one member per state to three members per state; to provide that one member shall be appointed by the Governor, and one each by the Presiding Officers of the House of Representatives and the Senate; to expand the member states to allow for membership by Missouri, the Commonwealth of Puerto Rico, and the U.S. Virgin Islands; to change the purview and activities of the Board from nuclear power to all energy sources and environmental quality; and to provide for expenses for Board members when attending upon official Board business.

Also:

H. 204. To provide that county commissions may meet one day the following week if the regular meeting day falls on a legal public holiday, and provides for notice of such meeting.

Also:

H. 261. To amend Section 41-5-9, Code of Alabama 1975, which provides for the salaries of Chief Examiner and Assistant Chief Examiner of Public Accounts, so as to permit the Legislative Committee on Public Accounts to fix the salary of the Chief Examiner.

Also:

H. 458. Relating to the feeding of prisoners by sheriffs; to amend Section 14-6-42, Code of Alabama 1975, which provides for the daily allowance for feeding prisoners, so as to increase said allowance and to repeal Sections 14-6-44, 14-6-45, and 14-6-46, Code of Alabama 1975, which further provide for said allowance and reporting of such by the sheriffs.

Also:

H. 668. To amend Section 13-6-85 of the Code of Alabama 1975 relating to defacing tombstones, trees and shrubbery so as to provide further for certain criminal offenses involving graveyards and cemeteries and the penalties for such offenses.

Also:

H. 770. To provide for bringing certain employees of the disability determination division of the state department of education into the classified service of the state merit system.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 665. To provide revenue by levying a privilege tax on gummed cigarette papers and to provide for the assessment and collection of such tax; conferring powers and imposing duties on the department of revenue; and to prescribe penalty for enforcement.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 84. To levy an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes within this state; providing for the collection and enforcement of such taxes and providing that the proceeds thereof shall be credited to the state general fund and provides for an effective date.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 1103. Relating to Coffee County; providing further for the establishment and composition of the county jury commission and repealing Act No. 571, S. 468, 1953 Regular Session (Acts 1953, p. 813).

Also:

H. 1104. Relating to Macon County; increasing the salaries of the deputies sheriff and other employees of the sheriff's department.

Also:

H. 1105. Relating to Mobile County; providing an election officers school in each State Senate District.

Also:

H. 1106. To repeal Act No. 250, H. 874 of the 1975 Regular Session (Acts 1975, p. 783), relating to Shelby County entitled "An Act To prohibit the probate judge or any other official or any employee of Shelby County from selling, lending, giving, or otherwise disposing of a computer printout of the list of registered voters of Shelby County."



Also:

H. J. R. 249. CREATING A JOINT INTERIM COMMITTEE TO STUDY THE NEEDS AND NECESSITIES OF OFF-CAMPUS BRANCHES OR CENTERS OF JUNIOR COLLEGES.

Also:

H. J. R. 250. CREATING THE JOINT INTERIM COMMITTEE TO STUDY NUCLEAR ENERGY ACTIVITIES

Also:

H. J. R. 285. CREATING THE LEGISLATIVE JOINT INTERIM EDUCATIONAL INSTITUTIONS STUDY COMMITTEE

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

Also:

H. 565. Relating to Baldwin County; authorizing the county governing body to employ highway personnel and to purchase or lease equipment and materials and to contract therefor for the construction, maintenance and repair of public roads, bridges and ferries, and to provide for the payment therefor, the "captive" county status of Baldwin County notwithstanding.

Also:

H. 937. To make an appropriation from the state general fund for the relief of Patricia Rutherford who was gravely injured as a result of a bullet fired by a member of the Alabama National Guard in the aftermath of Hurricane Frederic.

Also:

H. 971. To authorize the Blount County Commission to establish and maintain a contingent fund to be used for such purposes as the county commission deems appropriate; and to prescribe the maximum amount that may be appropriated for such fund in the fiscal year ending September 30, 1980 and in subsequent fiscal years.

Also:

H. 1026. To allow prospective jurors in capital cases to be excused without the presence of the defendant in the Twenty-first Judicial Circuit of Alabama.

Also:

H. 1027. Relating to Escambia County; to further provide for the compensation of the board of registrars.

Also:

H. 1028. To amend Section 1 of Act No. 594, H. 991, Regular Session 1965 (Acts of Alabama 1965, p. 1115), so as to further provide for the compensation of the Escambia County board of equalization.

Also:

H. 1029. Relating to Escambia County; providing further for the compensation of the chairman and members of the county commission.

Also:

H. 1030. Relating to Escambia County; to provide for an expense allowance for the sheriff of the county.

Also:

H. 1073. Relating to Monroe County; amending Act No. 686, H. 1677, 1975 Regular Session (Acts 1975, p. 1437) entitled "an Act Relating to Monroe County; to authorize the tax assessor to hire clerical employees; to provide a clerk hire allowance for the tax assessor and to repeal Act No. 1831, H. 2480, Regular Session of the Legislature 1971 (Acts 1971, p. 2996), and other conflicting laws, so as to increase said allowance.

Also:

H. 1074. Relating to Monroe County; amending Act No. 682, H. 1673, 1975 Regular Session (Acts 1975, p. 1435) entitled "An Act Relating to Monroe County; to authorize the tax collector to hire clerical employees; to provide a clerk hire allowance for the tax collector and to repeal Act No. 1828, H. 2477, Regular Session of the Legislature 1971 (Acts 1971, p. 2995), and other conflicting laws," so as to increase said allowance.

Also:

H. 1101. Relating to Chilton County; providing for an additional expense allowance for the county treasurer.

Also:

H. 1102. Relating to Cleburne County; providing further for the compensation of election officials.

Also:

H. 521. Proposing an amendment to the Constitution of 1901, relating to legalizing the operation of bingo games for prizes or money by certain non-profit organizations for charitable or educational purposes in Jefferson County.

Also:

H. 685. Proposing an amendment to Constitutional Amendment (CCCL) which was proposed by Act No. 545, Regular Session, 1975, and proclaimed ratified by the Governor of Alabama on January 22nd, 1976, as amended, relating to the authorization of the legislature to provide for the levy and collection of a one mill ad valorem tax in Mobile County for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance.

Also:

H. 1031. Proposing an amendment to the Constitution of Alabama relating to the compensation of certain officers of Escambia County.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### FURTHER CONSIDERATION OF H. B. 473

The Senate proceeded to further consideration of the Bill, H. B. 473. The question was on the amendment offered by Mr. Robertson.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1011. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by certain portions of Acts of previous legislative sessions.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 909. To amend Section 40-20-2 of the Code of Alabama 1975, so as to further provide for the severance tax on the production of oil and gas.

Also:

H. 1087. Relating to Sumter County to levy and collect special county privilege license and excise taxes paralleling the state sales and use taxes provided for in Chapter 23 of Title 40, Code of Alabama 1975, as amended; providing for the collection and enforcement of such taxes by the state revenue department; providing for the distribution and use of the proceeds; providing penalties for violations of this act; and providing that the terms of this act shall not become effective unless approved by the electors of Sumter County at a referendum election held for such purpose.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 901. To further amend Act No. 556 of the Regular Session of the Legislature of Alabama of 1959, approved November 19, 1959 (Ala. Acts, 1959, p. 1376, et seq.), as heretofore amended, which Act No. 556 established a supplemental pension and relief or retirement system for firemen and policemen who are members of any pension and relief system established under Act No. 929 of the Regular Session of the Legislature of Alabama of 1951 (Ala. Acts, 1951, p. 1576, et seq.); and to provide that the amendments made by this Act to said Act No. 556 shall apply both prospectively and retroactively on and after May 2, 1978.

Also:

H. 962. Relating to the City of Montgomery in Montgomery County; to authorize the City of Montgomery to declare noxious or dangerous weeds growing upon the streets or sidewalks, or upon private property within such city, to be a public nuisance; to abate or cause to be abated the same; and, to create a lien upon the property fronting upon such streets or sidewalks or upon which such nuisance exists for the cost of abating same.

Also:

H. 1124. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

Also:

H. 1125. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

Also:

H. 1126. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

Also:

H. 1127. Relating to Talladega County; to provide further for the compensation of election officers.

Also:

H. 1128. Relating to Coosa County; providing for an additional allowance for election officials who work at polling places.

Also:

H. 1129. Relating to Coosa County; providing for the creation of a county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; and providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county.

Also:

H. 1130. Relating to Coosa County; to relieve the judge of probate from charging a fee when celebrating the rites of matrimony; and to provide that any such fee when charged by the judge of probate may be retained by him.

Also:

H. 1132. Relating to DeKalb County; providing for the construction, maintenance and repair of public roads, highways, bridges and ferries under the county unit system; authorizing and requiring the county governing body to employ and regulate the compensation of a county engineer; providing for the manner of selecting said engineer; prescribing his qualifications; and requiring bond; defining his authority, powers and duties and those of the county governing body in relation to the roads, bridges and ferries of DeKalb County; and to prohibit the performance of certain work on private property and provide penalties for violations.

Also:

H. 1133. To provide an expense allowance for the circuit court register in DeKalb County.

Also:

H. 1137. Relating to Covington County; to provide for a clerk to the tax assessor and a clerk to the tax collector; to provide for fixing the salaries of such clerks as the amount specified as the federal minimum wage; and provide for the method of payment of same.

Also:

H. 1138. Relating to Covington County; to provide that in lieu of the former arrangement of paying both monthly expense allowances, mileage and salary for the Covington County governing body, the monthly remuneration of each member of said county governing body, shall instead be a salary of \$900.00 per month, payable out of the county treasury; to provide that Act No. 900, H. 1674 of the 1971 Regular Session (Acts 1971, p. 1663), providing for reimbursement of the members of the county governing body for expenses incurred outside of the county and in attending meetings in the performance of their duties shall not be repealed hereby; to repeal conflicting laws; and to provide for an effective date.

Also:

H. 1140. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 1109. To extend, alter, and rearrange the boundaries and corporate limits of the City of Florence so as to annex certain adjacent territory to the City of Florence.

Also:

H. 1110. Relating to Winston County; to provide further for the compensation of the county jury commission.

Also:

H. 1113. To repeal Act No. 260, H. 879, approved April 26, 1977, Regular Session 1977 (Acts 1977, p. 346), entitled "An Act Relating to counties having a population of not less than 21,000 nor more than 22,000 according to the 1970 or any subsequent federal decennial census; to provide further for the salary and expense allowance of the superintendent of education".

Also:

H. 1114. Relating to Lauderdale County; amending Act No. 79-107, H. 171, 1979 Regular Session, (Acts 1979, p. 129) entitled "An Act Relating to Lauderdale County; to create the office of County License Commissioner in said county; to prescribe the manner of appointment, term, compensation, duties and realm of authority of said commissioner; to prescribe more convenient and efficient procedures for assessment and collection of certain taxes and the issuance of licenses by said commissioner; to abolish the office of County License Inspector and transfer the duties of said office to the County License Commissioner; to transfer certain duties now performed by the tax assessor and tax collector to said commissioner; to prescribe fees, charges and commissions which may be collected by said commissioner pursuant to this Act; to provide for the disposition of the proceeds thereof and to require certain reports relative thereto," so as to provide further for the duties of said commissioner.

Also:

H. 1115. Relating to Franklin County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services.

Also:

H. 1116. Relating to Walker County; amending Sections 5, 6, 7 and 14 of the Act No. 200, H. 120, 1969 Special Session (Acts 1969, p. 263) relating to the county civil service system, so as to provide further for the appointment, compensation and duties of the Civil Service Board.

Also:

H. 1117. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 1118. An Act, to alter, re-arrange and extend the boundaries and corporate limits of the City of Pelham, Alabama, so as to incorporate certain territory as described herein.

Also:

H. 1119. To provide for the transfer of contributions and creditable service from Clerks and Registers Supernumerary Fund, State of Alabama, for the Clerk of the Circuit Court of Lowndes County, Alabama, should he so elect; to provide that the Clerk of the Circuit Court of Lowndes County, Alabama, if he so elects, may be exempt from the Clerks and Registers Supernumerary Fund, and such service as Clerk may be under the Employees' Retirement System of Alabama.

Also:

H. 1121. Relating to Lauderdale County; providing that due to the provisions of Section 12-17-92, Code of Alabama 1975, any salary increase paid to circuit judges shall automatically result in a supplemental salary increase for the circuit clerk and providing for the retroactive effect.

Also:

H. 1122. Relating to Walker County; to provide for the City of Sumiton in Walker County a civil service system governing the appointment, removal, salaries, tenure and official conduct of employees of the city; defining violations of the act; imposing penalties for violations; and repealing conflicting laws.

Also:

H. 1123. Relating to Geneva County; to provide further for the salary and expense allowance of the superintendent of education.

Also:

H. J. R. 274. URGING IMMEDIATE CONGRESSIONAL ACTION TO PROVIDE A LEVEL OF FUNDING ADEQUATE TO THE NEEDS OF THE STATES FOR HIGHWAY MAINTENANCE AND CONSTRUCTION.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

The President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 130. Relating to Macon County; to provide further compensation for the clerk and members of the jury commission, payable from the county general fund; and providing retroactive effect.

Also:

S. 569.. Relating to Tuscaloosa County, to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

Also:

S. 613. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Also:

S. 615. Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

Also:

S. 618. To amend Section 1 of Act No. 388, H. 979, 1978 Regular Session, entitled "An Act Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds, so as to increase the salaries of the deputies of the sheriff's department."



Also:

S. 621. Relating to Colbert County; to provide for the establishment of fees by the county commission based upon, but not bound by recommendations of the county board of health for public health services.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 123. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Talladega County; to provide that witness may be subpoenaed by United States mail in the county under certain conditions.

Also:

S. 608. To provide the members of the Etowah County board of registrars with an additional per diem supplement.

Also:

S. 609. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Etowah County.

Also:

S. 568. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

Also:

S. 567. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide the conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option; and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

Also:

S. 599. Relating to the Thirty-ninth Judicial Circuit; providing a county salary supplement for the circuit judges effective the next fiscal year of Limestone County.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 607. To provide an expense allowance for certain city employees of Attalla.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Keener, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 607 the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 607

Amend S. B. 607 on page 1, line 16, Section 1, by striking the words city employees of Attalla and inserting in lieu thereof the following:

Attalla Water Work Board members

Further amend S. B. 607 on page 1, Section 1, line 18, by striking the words city treasury and inserting in lieu thereof the following:

Attalla Water Work Treasury

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Little	Smith	
Bailey	Figures	Martin	Taylor	
Barron	Glass	McDonald	Teague	
Britnell	Goodwin	Mitchem	Vacca	
Callahan	Hall	Pearson	Weeks	
Cook	Keener	Proctor	White	
deGraffenried	Lemaster			—25

*Nays:*

—0

## FURTHER CONSIDERATION OF H. B. 473

The Senate Proceeded to further consideration of the Bill, H. B. 473. The question was on the amendment offered by Mr. Robertson.

On motion of Mr. deGraffenried, said amendment was laid on the table.

On motion of Mr. St. John, further consideration of the Bill, H. B. 473, was postponed temporarily.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE  
ON HOUSE BILL 571

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning House Bill 571, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,  
LEIGH PEGUES,  
GERALD DIAL,

Conferees on the part of the House.

FINIS ST. JOHN,  
JOHN A. TEAGUE,

J. RICHMOND PEARSON,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 571

A BILL  
TO BE ENTITLED  
AN ACT

To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1980, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and state judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health shall receive a 7½% salary increase. Such increase shall include in its base the total increase authorized by Act No. 79-724 of the 1979 Regular Session (Acts 1979, p. 1283). However, any state employee covered under the provisions of this Act, and otherwise eligible for consideration for an annual step increase in salary, shall only be eligible for a maximum step increase in the amount of 2½% at the time of their annual review, which step increase shall be in lieu of any step increase heretofore provided by law. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. All such increases shall be in addition to the salary received by such

employees. It is the intention of the legislature that the Governor be, and he is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the salary increase for state employees and officials.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates of pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1980 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1980 Regular Session of the legislature. Provided further, that the provisions of this Act shall not apply to any person covered by Senate Bill 507 of this session of the legislature upon said Senate Bill 507 becoming law.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increase provided and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. The director of the state personnel department shall also revise the rates of pay for hourly state employees and for legislative personnel, including but not limited to Legislative Reference Service personnel, not subject to the state merit system law to reflect the increases herein provided and the comptroller shall draw his warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1980, from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then from the general fund of the state treasury or any revenue sharing funds, such additional sums as may be necessary to pay the salary increases herein provided for such state employees and officials as are subject to the provisions of this Act.

Section 5. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by the governor, or any department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

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Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

Mr. Teague moved that the Senate concur in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 571, the title of which and said Conference Report are set out in the foregoing Message from the House.

Mr. Barron offered a substitute motion that the Senate non-concur in said Conference Committee Report and requests that the present Conference Committee be discharged and a new Conference Committee be appointed, which motion was adopted.

Yeas 21; Nays 7.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Mitchem
Bailey	Hall	Lemaster	Parsons
Barron	Harrison	Little	Robertson
Britnell	Higginbotham	Martin	Taylor
deGraffenried	Holmes	Miller	Vacca
Denton	Keener		

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*Nays:*

Messrs.:	Figures	Smith	Weeks
Callahan	St. John	Teague	White

—7

And the President and Presiding officer of the Senate appointed as new conferees on part of the Senate Messrs. St. John, Teague and Pearson.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 544. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 376. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

Also:

S. 603. Relating to Jefferson County; to authorize and empower the county commission to formulate and administer a plan whereby certain county employees may purchase up to ten years credit in the county retirement system for certain past service to the county.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 625. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Also:

S. 397. To amend Act No. 31 of the Alabama Legislature, Second Special Session, 1975 which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing a public transportation service in such county and the compensation of directors of any such authority.

Also:

S. 577. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

Also:

S. 593. Relating to Law Enforcement of Mobile County, fixing the fee for the issuance of pistol permits; specifically, amending Section 1 of Act No. 474, S. 259, Regular Session 1969 (Acts 1969, p. 930).

Also:

S. 606. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

Also:

S. 612. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

Also:

S. 611. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF CONFERENCE COMMITTEE ON  
SUBSTITUTE FOR S. B. 1

We, the Committee on Conference appointed to reconcile the difference between the two houses concerning Substitute S. B. 1, have met, considered the bill as substituted, and have agreed to the following report:

We recommend that the Senate of Alabama and the House of Representatives concur in and adopt the following:

The attached Substitute Bill for Substitute to S. B. 1.

Respectfully submitted,

FRANK RIDDICK,

OTIS H. MOORE, JR.,

ERIC O. CATES, JR.,

Conferees on the part of the House,

CHARLIE BRITNELL,

BOBBY DENTON,

MIKE WEEKS,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 1

A BILL  
TO BE ENTITLED  
AN ACT

To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost

associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Be It Enacted by the Legislature of Alabama:

Section 1. There is hereby provided, commencing October 1, 1980, to any person retired prior to October 1, 1979, under the Teachers' Retirement System or Employees' Retirement System of Alabama and who is receiving a retirement allowance therefrom, a cost-of-living increase in his maximum retirement allowance as follows:

A. If such person retired prior to October 1, 1963, a 15% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$30, nor more than \$60 per month; and provided further that, if such person retired under the provisions of Section 36-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$15, nor more than \$40, per month.

B. If such person retired on or after October 1, 1963, but prior to October 1, 1973, a 10% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$20, nor more than \$40, per month; and provided further that, if such person retired under the provisions of Section 36-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$10, nor more than \$20, per month.

C. If such person retired on or after October 1, 1973, but prior to October 1, 1979, a 5% increase in his maximum retirement allowance, provided that he shall receive an increase of not less than \$10, nor more than \$30, per month; and provided further that, if such person retired under the provisions of Section 37-27-7, Code of Alabama 1975, and/or Act No. 807 of the 1977 Regular Session (now appearing as Section 36-27-7.1, Code of Alabama 1975), he shall receive an increase of not less than \$5, nor more than \$15, per month.

Section 2. Any person retired under the Judicial Retirement Fund of Alabama as provided for in Title 12, Chapter 18, Code of Alabama 1975, shall not be deemed a retiree of the Teachers' or Employees' Retirement Systems of Alabama for purposes of this Act and shall not be entitled to receive the cost-of-living increase provided.

Section 3. (a) There is hereby allocated and expended from existing funds of the Teachers' Retirement System, or from such funds as are appropriated to the Teachers' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Teachers' Retirement System of Alabama, for the fiscal year beginning October 1, 1980.

(b) There is hereby allocated and expended from existing funds of the Employees' Retirement System of Alabama, or from such funds as are appropriated to the Employees' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of



this Act, as they relate to retired employees of local boards of education and state institutions of higher education who are retired under the Employees' Retirement System, for the fiscal year beginning October 1, 1980, and for each fiscal year thereafter.

(c) 1. There is hereby allocated and expended from existing funds of the State Employees' Retirement System, or from such funds as are appropriated to the Employees' Retirement System for the fiscal year 1980-81, such amounts as are necessary and available to carry out the provisions of this Act, as they relate to the Employees' Retirement System of Alabama, for the fiscal year beginning October 1, 1980.

2. The board of control of the Employees' Retirement System of Alabama shall determine annually the amount required to pay the cost of the increased allowances under Section 1 of this Act and shall notify the chief fiscal officer of each employer the per centum rates of earnable compensation of the members required to be paid to the retirement system. Each employer of members of the Employees' Retirement System of Alabama shall pay on account of the increases provided in Section 1 of this Act in the same manner and from the same source of funds as is provided in Section 36-27-24 of the Code of Alabama 1975, it being the intent of the legislature that the cost of providing the increases in Section 1 of this Act shall be distributed from all funds in proportion to the salaries paid therefrom for active members.

(d) Subsequent expenditures from the Teachers' and Employees' Retirement Systems shall be reduced to only the amount necessary to fund the benefit increases herein provided in Section 1 of this Act.

(e) No person whose retirement under the Teachers' or Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6 of the Code of Alabama 1975, shall be entitled to the benefits provided in Section 1 of this Act, unless such employer elects to come under the provisions of said section. Any employer making such election, except local boards of education and state institutions of higher education for which funding is provided above herein, must bear the cost of cost-of-living increases paid to its former employees pursuant to this section. Any employer participating under Section 36-27-6 may elect to come under the provisions of this section at the beginning of any future fiscal year and said employer shall not be required to pay said cost-of-living increase retroactively.

Section 4. Any person who receives benefits under the Medicaid program and whose eligibility for such benefits would be impaired by the cost-of-living increase provided in Section 1 of this Act shall not be entitled to receive said increase. Any person who shall subsequently apply for benefits under the Medicaid program and such persons' eligibility to receive benefits is impaired by the cost-of-living increase provided in Section 1 of this Act, shall not be entitled to receive said increase subsequent to the date the member files application for benefits under the Medicaid program.

Section 5. It is the intent of the Legislature that the graduated cost-of-living increase granted to certain retired persons under the provisions of this Act be financed, if possible, from existing funds of the Employees' Retirement System and the Teachers' Retirement System under the following provisions and conditions:

A. (1) If any actuary firm employed by the board of control of the Employees' Retirement System and/or the Teachers' Retirement System finds that the authorized cost-of-living increase can be paid for the fiscal year 1980-81 from existing funds of the systems without having serious adverse impact actuarially on the retirement system, the boards of control of the retirement systems are hereby authorized and instructed to pay such cost-of-living increase beginning October 1, 1980. It is the intent of this legislation as pertains to future like funding, that such funding shall be made in accordance with Section 16-25-28, Code of Alabama, 1975, as pertains to actuarial soundness.

(2) Further provided, if the actuarial report is not received by October 1, 1980, but meets the above condition when it is received during fiscal year 1980-81, then the cost-of-living increase shall be paid retroactively to October 1, 1980.

B. If the conditions in "A" above are not met, the cost-of-living increase shall be paid beginning October 1, 1981, and the cost of this benefit shall be included in the amount certified by the board of control to be contributed by the State under the provisions of Sections 16-25-21 or 36-27-24, Code of Alabama 1975, or any other applicable provision of law.

The provisions of this section shall govern and override any seeming or actual conflicts with other provisions of this Act.

Section 6. The provisions of this Act are supplemental. It shall be construed in *pari materia* with other laws regulating and providing for the payment of retirement benefits to retired members of the Teachers' and Employees' Retirement Systems of Alabama; however, those laws or parts of laws which are in direct conflict or inconsistent herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. The provisions of this Act shall become effective October 1, 1980, following its passage by the Alabama Legislature and approval by the Governor.

### CONFERENCE REPORT

On motion of Mr. Britnell, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. 1. To provide in addition to benefits now received a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama prior to October 1, 1979; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; to provide necessary and proper appropriations and funding for such purposes; and to provide for the repeal of conflicting laws.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Taylor
Barron	Gulledge	Martin	Teague
Britnell	Hall	Miller	Vacca
Callahan	Harrison	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Keener	Proctor	

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*Nays:* —0

Mr. Callahan moved that the Senate reconsider the vote by which the Conference Committee Report was adopted and further moved that the motion to reconsider be laid on the table. The motion to table prevailed.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

said Conference Report being in words and figures as follows:

#### REPORT OF COMMITTEE OF CONFERENCE ON HOUSE BILL 533

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning House Bill 533, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,  
LEIGH PEGUES,  
GERALD DIAL,

Conferees on the part of the House.

J. RICHMOND PEARSON,  
JOHN A. TEAGUE,  
FINIS ST. JOHN,

Conferees on the part of the Senate.

#### CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 533

#### A BILL TO BE ENTITLED AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1980-81 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act on 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

#### A. LEGISLATIVE:

##### 1. Examiners of Public Accounts, Department of:

(a) Legislative Support—Audit Services Program .....	2,530,020
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#### SOURCE OF FUNDS:

(1) State General Fund .....	2,530,020	
Total Department of Examiners of Public Accounts .....	2,530,020	2,530,020

##### 2. Legislative Council:

(a) Legislative Operations and Support Program .....	92,100
---------------------------------------------------------	--------

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(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend Legislative conferences by joint resolution of the Legislature)

SOURCE OF FUNDS:

(1) State General Fund .....	<u>92,100</u>	
Total Legislative Council .....	<u>92,100</u>	<u>92,100</u>

3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program .....		334,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>334,000</u>	
Total Legislative Fiscal Office ...	<u>334,000</u>	<u>334,000</u>

4. Legislative Reference Service:

(a) Legislative Operations and Support Program .....		523,401
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>523,401</u>	
Total Legislative Reference Service .....	<u>523,401</u>	<u>523,401</u>

5. Legislature:

(a) Senate Operations and Support Program .....		1,000,000
(b) House Operations and Support Program .....		1,500,000

SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,500,000</u>	
Total Legislature .....	<u>2,500,000</u>	<u>2,500,000</u>

In addition to the above appropriation there is hereby appropriated \$500,000 to the Legislature to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

B. JUDICIAL:

1. Court of Civil Appeals:

(a) Court Operations Program ..		458,497
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>458,497</u>	
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Total Court of Civil Appeals . . . .	458,497	458,497
2. Court of Criminal Appeals:		
(a) Court Operations Program . .		683,989
SOURCE OF FUNDS:		
(1) State General Fund . . . . .	683,989	
Total Court of Criminal Appeals .	683,989	683,989
3. District Attorneys:		
(a) Court Operations Program . .		5,000,000
The proposed spending plan included in the above total is as follows:		
Salaries of District Attorneys . . . . .	1,287,000	
Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit . . . . .	31,000	
Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit . . . . .	4,143	
Salaries and expenses of Supernumerary District Attorneys . . . . .	475,000	
For use in the District Attorney's Office of the 1st Judicial Circuit . . . . .	47,732	
For use in the District Attorney's Office of the 2nd Judicial Circuit . . . . .	52,308	
For use in the District Attorney's Office of the 3rd Judicial Circuit . . . . .	55,560	
For use in the District Attorney's Office of the 4th Judicial Circuit . . . . .	224,677	
For use in the District Attorney's Office of the 5th Judicial Circuit . . . . .	146,320	
For use in the District Attorney's Office of the 6th Judicial Circuit . . . . .	106,540	
For use in the District Attorney's Office of the 7th Judicial Circuit . . . . .	81,649	

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For the use in the District Attorney's Office of the 8th Judicial Circuit .....	66,236
For use in the District Attorney's Office of the 9th Judicial Circuit .....	76,060
For use in the District Attorney's Office of the 10th Judicial Circuit .....	164,800
For use in the District Attorney's Office of the 11th Judicial Circuit .....	58,800
For use in the District Attorney's Office of the 12th Judicial Circuit .....	58,526
For use in the District Attorney's Office of the 13th Judicial Circuit .....	135,185
For use in the District Attorney's Office of the 14th Judicial Circuit .....	65,050
For use in the District Attorney's Office of the 15th Judicial Circuit .....	218,593
For use in the District Attorney's Office of the 16th Judicial Circuit .....	67,000
For use in the District Attorney's Office of the 17th Judicial Circuit .....	42,200
For use in the District Attorney's Office of the 18th Judicial Circuit .....	78,303
For use in the District Attorney's Office of the 19th Judicial Circuit .....	51,000
For use in the District Attorney's Office of the 20th Judicial Circuit .....	84,300
For use in the District Attorney's Office of the 21st Judicial Circuit .....	44,441
For use in the District Attorney's Office of the 22nd Judicial Circuit .....	60,000
For use in the District Attorney's Office of the 23rd Judicial Circuit .....	167,658

For use in the District Attorney's Office of the 24th Judicial Circuit .....	65,713
For use in the District Attorney's Office of the 25th Judicial Circuit .....	44,131
For use in the District Attorney's Office of the 26th Judicial Circuit .....	106,000
For use in the District Attorney's Office of the 27th Judicial Circuit .....	78,605
For use in the District Attorney's Office of the 28th Judicial Circuit .....	50,000
For use in the District Attorney's Office of the 29th Judicial Circuit .....	74,400
For use in the District Attorney's Office of the 30th Judicial Circuit .....	82,200
For use in the District Attorney's Office of the 31st Judicial Circuit .....	45,400
For use in the District Attorney's Office of the 32nd Judicial Circuit .....	46,375
For use in the District Attorney's Office of the 33rd Judicial Circuit .....	42,000
For use in the District Attorney's Office of the 34th Judicial Circuit .....	31,175
For use in the District Attorney's Office of the 35th Judicial Circuit .....	42,100
For use in the District Attorney's Office of the 36th Judicial Circuit .....	51,900
For use in the District Attorney's Office of the 37th Judicial Circuit .....	70,800
For use in the District Attorney's Office of the 38th Judicial Circuit .....	66,120
For use in the District Attorney's Office of the 39th Judicial Circuit .....	28,000



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Appropriations of Salaries of Personnel Established by Statute are estimated.

Travel Expense of District Attorneys ..... 50,000

Telephone Service, Stationery, Stamps and necessary Office supplies for Office use of District Attorneys, Deputy District Attorneys or Assistants (Provided, however, that none of this appropriation shall be expended for books and equipment purchases.) ..... 75,000

75,000,000

SOURCE OF FUNDS:

(1) State General Fund ..... 5,000,000

Total District Attorneys ..... 5,000,000 5,000,000

In addition to the above appropriation there is hereby appropriated \$1,700,000 to District Attorneys to be conditional upon the condition of the State General Fund and upon approval of the Governor.

4. Judicial Inquiry Commission:

(a) Administrative Services Program ..... 61,522

SOURCE OF FUNDS:

(1) State General Fund ..... 61,522

Total Judicial Inquiry Commission ..... 61,522 61,522

5. Judicial Retirement System:

(a) Retirement Systems Program ..... 3,557,100

SOURCE OF FUNDS:

(1) State General Fund ..... 3,557,100

Total Judicial Retirement System ..... 3,557,100 3,557,100

6. Supreme Court:

(a) Court Operations Program .. 1,858,949

SOURCE OF FUNDS:

(1) State General Fund ..... 1,848,949

(2) Federal, Local and Miscellaneous Funds ..... 10,000

Total Supreme Court ..... 1,848,949 10,000 1,858,949

## 7. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program . . . 28,489,478

(b) Administrative Services Program . . . 1,953,356

## SOURCE OF FUNDS:

(1) State General Fund . . . . . 30,442,834

Total Unified Judicial System . . . 30,442,834 30,442,834

## C. EXECUTIVE:

## 1. Academy of Honor, Alabama:

(a) Historical Resources Management Program . . . . . 1,300

## SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama . . . . . 1,300

Total Alabama Academy of Honor . . . 1,300 1,300

## 2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program . . . . . 135,000

## SOURCE OF FUNDS:

(1) Fund of the Alabama State Board of Public Accountancy, as provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama . . . . . 135,000

In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy . . . . . 135,000 135,000

## 3. Adjustment, Board of:

(a) Special Services Program . . . 165,000

## SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to

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the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama .....	15,000		
(2) State General Fund for expenditures as provided in Title 31, Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated .....	<u>150,000</u>		
Total Board of Adjustment .....	<u>165,000</u>		<u>165,000</u>
4. Aeronautics, Department of:			
(a) Airport Development and Aeronautical Support Program .....			701,567
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$196.			
SOURCE OF FUNDS:			
(1) Airport Development Fund, as provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama .....		<u>701,567</u>	
Total Department of Aeronautics .....		<u>701,567</u>	<u>701,567</u>
5. Aging, Commission on:			
(a) Planning and Advocacy for Elderly Program .....			12,713,590
The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$982.			
SOURCE OF FUNDS:			
(1) State General Fund Transfer .....	785,000		
(2) Federal, Local and Miscellaneous Funds .....		<u>11,928,590</u>	
Total Commission on Aging .....	<u>785,000</u>	<u>11,928,590</u>	<u>12,713,590</u>
6. Agricultural Center Board:			
(a) Agricultural Development Services Program .....			565,000
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$392.			
SOURCE OF FUNDS:			
(1) State General Fund for expense and awarding of prizes for fairs as			

provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama	120,000		
(2) State General Fund Transfer	320,000		
(3) Livestock Coliseum Fund . . . .		<u>125,000</u>	
Total Agricultural Center Board .	<u>440,000</u>	<u>125,000</u>	<u>565,000</u>
7. Agricultural and Industrial Exhibit Commission, Alabama:			
(a) Agricultural Development Services Program . . . . .			32,400
SOURCE OF FUNDS:			
(1) State General Fund . . . . .	<u>32,400</u>		
Total Alabama Agricultural and Industrial Exhibit Commission	<u>32,400</u>		<u>32,400</u>
8. Agriculture and Industries, De- partment of:			
(a) Administrative Services Pro- gram . . . . .			886,011
(b) Agricultural Inspection Ser- vices Program . . . . .			8,553,145
(c) Laboratory Analysis and Dis- ease Control Program . . . . .			3,025,776
(d) Agricultural Development Services Program . . . . .			512,505
The appropriation to the Depart- ment of Agriculture and Indus- tries shall include a transfer to the State Personnel Department of \$17,725.			
SOURCE OF FUNDS:			
(1) State General Fund Transfer	4,978,900		
(2) Federal, Local and Miscellane- ous Funds . . . . .		2,321,122	
(3) Shipping Point Inspection Fund pursuant to Title 2, Chap- ter 9, Sections 20 and 21, Code of Alabama, 1975. All fees and charges collected by the Commis- sioner of Agriculture and Indus- tries and deposited into said fund, and such appropriation to the Department of Agriculture and Industries shall include all fees and charges collected and deposited therein for Shipping Point Inspection, grading and classification services for ag- ricultural products including			

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services furnished for weighing and issuing weight certificates to be used for the sale of agricultural commodities .....	3,769,000		
(4) Agricultural Fund (Any surplus remaining in the Agricultural Fund at the end of the fiscal year in excess of \$150,000 shall be transferred to the State General Fund.) .....	1,908,415		
Total Department of Agriculture and Industries .....	<u>4,978,900</u>	<u>7,998,537</u>	<u>12,977,437</u>

In addition to the above appropriation there is hereby appropriated \$650,000 to the Department of Agriculture and Industries to be conditional upon the condition of the State General Fund and the approval of the Governor.

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program .....	22,496,718
(b) Licensing, Regulation and Enforcement Program .....	6,934,822
(c) Administrative Services Program .....	2,828,856

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$58,920.

SOURCE OF FUNDS:

(1) ABC Stores Fund .....	32,260,396
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In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation. In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an

amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population. Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board .....	32,260,396	<u>32,260,396</u>
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10. Architects, Board for Registration of:

(a) Professional and Occupational Licensing and Regulation Program .....	70,000
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The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 .....	<u>70,000</u>
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Total Board for Registration of Architects .....	<u>70,000</u>	<u>70,000</u>
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11. Archives and History:

(a) Historical Resources Management Program .....	760,617
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SOURCE OF FUNDS:

(1) State General Fund .....	748,617		
(2) Federal, Local and Miscellaneous Funds .....		<u>12,000</u>	
Total Archives & History .....	<u>748,617</u>	<u>12,000</u>	<u>760,617</u>

12. Attorney General, Office of the:

(a) Legal Advice and Legal Services Program .....	3,384,891
(b) Fair Marketing Practices Program .....	286,125

SOURCE OF FUNDS:

(1) State General Fund .....	2,800,000	
(2) Transfer from Pensions and Security .....		310,000

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(3) Federal, Local and Miscellaneous Funds .....		<u>561,016</u>	
Total Office of the Attorney General .....	<u>2,800,000</u>	<u>871,016</u>	<u>3,671,016</u>
13. Auditor, State:			
(a) Fiscal Management Program .....			580,000
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>580,000</u>		
Total State Auditor .....	<u>580,000</u>		<u>580,000</u>
14. Banking Department, State:			
(a) Charter, License, and Regulate Financial Institutions Program .....			1,699,149
(b) Housing Authority Administration Program .....			30,000
The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,062.			
SOURCE OF FUNDS:			
(1) State General Fund Transfer .....	310,850		
(2) Banking Assessment Fees as provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama .....		1,229,497	
(3) Bureau of Credit Unions as provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama .....		161,750	
(4) Loan Examination Fund as provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama .....		<u>27,052</u>	
Total State Banking Department .....	<u>310,850</u>	<u>1,418,299</u>	<u>1,729,149</u>
15. Bar Association, Alabama State:			
(a) Professional and Occupational Licensing and Regulation Program .....			496,676
SOURCE OF FUNDS:			
(1) State Bar Association Fund, as provided in Title 34, Chapter 3, Code of Alabama 1975 .....		<u>496,676</u>	
Total Alabama State Bar Association .....		<u>496,676</u>	<u>496,676</u>

## 16. Bear Creek Development Authority:

(a) Water Resource Development Program .....	209,119
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## SOURCE OF FUNDS:

(1) State General Fund .....	26,900		
(2) Federal, Local and Miscellaneous Funds .....		<u>182,219</u>	
Total Bear Creek Development Authority .....	<u>26,900</u>	<u>182,219</u>	<u>209,119</u>

## 17. Brierfield Ironworks Park:

(a) Outdoor Recreation Sites and Services Program .....	87,760
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## SOURCE OF FUNDS:

(1) State General Fund .....	20,000		
(2) Federal, Local and Miscellaneous Funds .....		<u>67,760</u>	
Total Brierfield Ironworks Park ..	<u>20,000</u>	<u>67,760</u>	<u>87,760</u>

## 18. Building Commission:

(a) Special Services Program ....	545,992
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The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$98.

## SOURCE OF FUNDS:

(1) State General Fund .....	138,220		
(2) Federal, Local and Miscellaneous Funds .....		<u>407,772</u>	
Total Building Commission .....	<u>138,220</u>	<u>407,772</u>	<u>545,992</u>

## 19. Capitol Renovation—Alabama Historical Commission:

(a) Historical Resources Management Program .....	2,000,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,000,000</u>		
Total Capitol Renovation-Alabama Historical Commission .....	<u>2,000,000</u>		<u>2,000,000</u>

In addition to the above appropriation there is hereby appropriated \$1,500,000 to Capitol Renovation-Alabama Historical Commission to be conditional



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upon the condition of the State General Fund, and upon approval of the Governor.

20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	25,000
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SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama .....	25,000	
Total Alabama State Board of Chiropractic Examiners .....	25,000	25,000

21. Civil Defense, Department of:

(a) Readiness and Recovery Program .....	946,152
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The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,423.

SOURCE OF FUNDS:

(1) State General Fund .....	461,400	
(2) Federal, Local and Miscellaneous Funds .....	484,752	
Total Department of Civil Defense .....	461,400	946,152

22. Coastal Area Board, Alabama:

(a) Coastal Area Management Program .....	875,000
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The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) State General Fund .....	50,000	
(2) Federal, Local and Miscellaneous .....	825,000	
Total Alabama Coastal Area Board .....	50,000	875,000

23. Conservation and Natural Resources, Department of:

(a) Wildlife and Game and Fish Program .....	10,903,145
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(b) State Land Management Program .....	226,302
(c) Outdoor Recreation Sites and Services Program .....	12,874,553
(d) Administrative Services Program .....	3,039,187
(e) Land Survey Program .....	225,382

The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$27,005.

#### SOURCE OF FUNDS:

(1) Game and Fish Fund .....	9,475,445
(2) State Lands Fund .....	226,302

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(3) Marine Resources Fund .....	1,121,500
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island in hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund .....	1,724,000
(5) Land Surveyors Fund .....	225,382
(6) State Parks Fund .....	8,550,553
(7) Administrative Funds .....	3,039,187

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.

(8) State General Fund .....	2,806,200
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(9) State General Fund-Transfer to Game and Fish Fund for Capital Improvements—(Bibb and Escambia County Lakes) .....	100,000		
Total Department of Conservation and Natural Resources .....	2,906,200	24,362,369	27,268,569
24. Contractors State Licensing Board for General:			
(a) Professional and Occupational Licensing and Regulation Program .....			164,850
The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$245.			
SOURCE OF FUNDS:			
(1) State Licensing Board for General Contractors Fund .....		164,850	
Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.			
Total State Licensing Board for General Contractors .....		164,850	164,850
25. Corrections, Board of:			
(a) Administrative Services and Logistical Support Program ...			2,982,507
(b) Institutional Services Corrections Program .....			22,576,774
(c) Correctional Industries Program .....			3,710,702
The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$59,214.			
SOURCE OF FUNDS:			
(1) State General Fund—Transfer	24,500,000		
(2) Federal, Local and Miscellaneous Funds .....		625,000	
(3) Board of Corrections Fund ...		4,144,983	

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriated, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant funds so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

Total Board of Corrections . . . . .	<u>24,500,000</u>	<u>4,769,983</u>	<u>29,269,983</u>
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In addition to the above appropriation there is hereby appropriated \$30,000,000 to the Board of Corrections to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program . . . . .		315,000
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$491.

#### SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund as provided in Title 34, Chapter 7, 1975 Code of Alabama . . . . .	<u>315,000</u>	
Total Alabama Board of Cosmetology . . . . .	<u>315,000</u>	<u>315,000</u>

27. Criminal Justice Information System, Alabama:

(a) Criminal Justice Information Services Program . . . . .	2,268,004
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The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,602.

#### SOURCE OF FUNDS:

(1) State General Fund—Transfer	1,900,000
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(2) Federal, Local and Miscellaneous Funds .....		<u>368,004</u>	
Total Alabama Criminal Justice Information System .....	<u>1,900,000</u>	<u>368,004</u>	<u>2,268,004</u>

In addition to the above appropriation there is hereby appropriated \$239,000 to the Criminal Justice Information System to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

28. Dairy Commission, Alabama:

(a) Regulatory Services Program 455,000

The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Department of \$540.

SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund as provided in Title 2, Chapter 13, Code of Alabama 1975 .....		<u>455,000</u>	
Total Alabama Dairy Commission		<u>455,000</u>	<u>455,000</u>

29. Development Office, Alabama:

(a) Industrial Development Program ..... 2,537,000

(b) Bureau of Publicity and Information—Tourism and Travel Promotion Program .... 2,402,873

(c) Administrative Services Program—Office of Minority Business ..... 145,000

(d) Alabama Film Commission—Promotional Development Program ..... 220,000

The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$3,093.

SOURCE OF FUNDS:

(1) State General Fund—Transfer Alabama Development Office ..	2,467,000
(2) State General Fund—Transfer Publicity and Information .....	500,000
(3) State General Fund Transfer—Office of Minority Business .....	75,000

(4) State General Fund—Alabama Film Commission .....	220,000		
(5) Lodgings Tax (1¢)—Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama for the Bureau of Publicity and Information .....		1,902,873	
(6) Federal, Local and Miscellaneous Funds .....		<u>140,000</u>	
Total Alabama Development Office .....	<u>3,262,000</u>	<u>2,042,873</u>	<u>5,304,873</u>

### 30. Engineers and Land Surveyors, State Board of Registration for Professional:

(a) Professional and Occupational Licensing and Regulation Program .....			238,196
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The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$245.

### SOURCE OF FUNDS:

(1) Professional Engineers' Fund as provided in Title 34, Chapter 11, Code of Alabama 1975, as amended and Act No. 1049, 1975 Regular Session .....		<u>238,196</u>	
Total State Board of Registration for Professional Engineers and Land Surveyors .....		<u>238,196</u>	<u>238,196</u>

### 31. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program .....			175,000
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### SOURCE OF FUNDS:

(1) State General Fund .....	<u>175,000</u>		
Total Alabama Ethics Commission .....	<u>175,000</u>		<u>175,000</u>

### 32. Farmers' Market Authority:

(a) Agricultural Development Services Program .....			658,000
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### SOURCE OF FUNDS:

(1) State General Fund—Transfer For Administration .....	78,000		
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(2) State General Fund—Transfer for Capital Outlay .....	500,000		
(3) Farmers' Market Authority Fund—Revenue and Capital Outlay Account .....		<u>80,000</u>	
Total Farmers' Market Authority	<u>578,000</u>	<u>80,000</u>	<u>658,000</u>
33. Finance, Department of:			
(a) Fiscal Management Program			1,949,941
(b) Administrative Support Services Program .....			4,258,889
(c) Administrative Support Services Program—Repair, renovate, and clean state buildings			500,000
(d) Administration of Private Colleges and Universities Facilities Authority .....			6,000
SOURCE OF FUNDS:			
(1) State General Fund .....	4,814,896		
(2) State Agency Collections—Maintenance Revolving Fund ..		<u>1,899,934</u>	
Total Department of Finance ....	<u>4,814,896</u>	<u>1,899,934</u>	<u>6,714,830</u>
34. Finance—Telephone Network Fund:			
(a) Administrative Support Services Program .....			4,028,907
SOURCE OF FUNDS:			
(1) Telephone Network Fund ....		<u>4,028,907</u>	
Total Finance—Telephone Network Fund .....		<u>4,028,907</u>	<u>4,028,907</u>
35. Foresters, Alabama State Board of Registration for:			
(a) Professional and Occupational Licensing and Regulation Program .....			17,900
SOURCE OF FUNDS:			
(1) Professional Foresters' Fund ..		<u>17,900</u>	
Total Alabama State Board of Registration for Foresters .....		<u>17,900</u>	<u>17,900</u>
36. Forestry Commission, Alabama:			
(a) Forest Resource Protection Program .....			7,316,266

(b) Forest Resource Management and Development Program . . . .	2,144,977
(c) Forestry Information and Education Program . . . . .	282,245
(d) Administrative Services Program . . . . .	1,276,585

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$19,983.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer	5,568,659		
(2) Federal and Local Funds . . . .		2,549,398	
(3) Forestry Commission Fund . .		2,902,016	
Of the above appropriation \$100,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commission . . . . .	<u>5,568,659</u>	<u>5,451,414</u>	<u>11,020,073</u>

## 37. Fort Morgan Commission:

(a) Historical Resources Management Program . . . . .	109,433
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## SOURCE OF FUNDS:

(1) State General Fund . . . . .	99,400		
(2) Federal, Local and Miscellaneous Funds . . . . .		<u>10,033</u>	
Total Fort Morgan Commission . .	<u>99,400</u>	<u>10,033</u>	<u>109,433</u>

## 38. Funeral Service, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program. . . . .	81,900
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## SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund as provided in Title 34, Chapter 13, 1975 Code of Alabama . . . . .	<u>81,900</u>		
Total Alabama Board of Funeral Services . . . . .		<u>81,900</u>	<u>81,900</u>

## 38A. Foreign Trade Relations Commission:

(a) Special Services Program . . . .	50,000
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## SOURCE OF FUNDS:

(1) State General Fund . . . . .	<u>50,000</u>
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Total Foreign Trade Relations Commission .....	50,000	50,000
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39. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program		1,596,049
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,829.

SOURCE OF FUNDS:

(1) State General Fund .....	1,042,032	
(2) Federal, Local and Miscellaneous Funds .....		554,017
Total Geological Survey .....	1,042,032	554,017
		1,596,049

40. Gorgas Memorial Board:

(a) Historical Resources Management Program .....		10,700
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount .....	10,000	
(2) Federal, Local and Miscellaneous Funds .....		700
Total Gorgas Memorial Board ...	10,000	700
		10,700

41. Governor's Office:

(a) Executive Direction Program		977,400
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SOURCE OF FUNDS:

(1) State General Fund .....	977,400	
Total Governor's Office .....	977,400	977,400

42. Governor's Contingency Fund:

(a) Executive Direction Program		295,480
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SOURCE OF FUNDS:

(1) State General Fund .....	295,480	
Total Governor's Contingency Fund .....	295,480	295,480

43. Governor's Mansion and Coastal Mansion:

(a) Executive Direction Program		150,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	150,000	
Total Governor's Mansion and Coastal Mansion .....	150,000	150,000

## 44. Healing Arts, State Licensing Board for the:

(a) Professional and Occupational Licensing and Regulation Program .....		132,000
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The appropriation to the State Licensing Board for the Healing Arts shall include a transfer to the Personnel Department of \$98.

## SOURCE OF FUNDS:

(1) State Licensing Board for the Healing Arts Fund .....	132,000	
Total State Licensing Board for the Healing Arts .....	132,000	132,000

## 45. Health, Department of Public:

(a) Administrative Services Program .....	3,468,956
(b) Health Support Services Program .....	39,398,533
(c) Personal Health Improvement Program .....	29,535,056
(d) Environmental Health Improvement Program .....	6,283,138
(e) Special Services Program ....	1,227,009
(f) Health Planning, Development and Regulation Program .....	5,069,881

The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$100,605.

## SOURCE OF FUNDS:

(1) State General Fund .....	14,632,000
(2) Cigarette Tax—1¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama	1,400,001
(3) Cigarette Tax—2¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama	2,150,000
(4) Vital Statistics Fund .....	660,000
(5) Hospital Licensing Fund ....	85,000

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(6) Emergency Medical Services Fund as provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama .....		30,000	
(7) Local Health Departments ...		25,990,952	
(8) Water Improvement Commis- sion Fines. ....		300,000	
(9) Miscellaneous Revenues .....		3,126,835	
(10) Federal Funds .....		<u>36,607,785</u>	
Total Department of Public Health	<u>14,632,000</u>	<u>70,350,573</u>	<u>84,982,573</u>
46. Health Planning and Devel- opment Agency, State:			
(a) Health Planning, Development and Regulation Program .....			950,026
SOURCE OF FUNDS:			
(1) State General Fund .....	261,000		
(2) Federal, Local and Miscellane- ous Funds .....		<u>689,026</u>	
Total State Health Planning and Development Agency .....	<u>261,000</u>	<u>689,026</u>	<u>950,026</u>
47. Hearing and Dealers, Alabama Board of:			
(a) Professional and Occupational Licensing and Regulation Pro- gram .....			15,400
SOURCE OF FUNDS:			
(1) State Board of Health— Hearing Aid Fund as provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama ..		<u>15,400</u>	
Total Alabama Board of Hearing Aid Dealers .....		<u>15,400</u>	<u>15,400</u>
48. Highway Department:			
(a) Central Administration Pro- gram .....			6,825,251
(b) Division and District Supervision—State Program ..			12,165,797
(c) Operations and Support Ser- vices Program .....			5,475,948
(d) Maintenance Program .....			60,000,000
(e) Non-Programmatic Expendi- tures .....			43,830,499
Proposed Spending Plan for the above (e) includes the following:			

Debt Service .....	38,595,075	
Equipment—Automotive .....	5,000,000	
Equipment—Other than Automotive .....	235,424	
(f) Construction—Federal Aid Program .....		248,429,681
Proposed Spending Plan for the above (f) includes the following:		
Federal Aid Matching	39,202,000	
Non-Participating Work on Federal Aid Projects ....	1,000,000	
Advance Construction Bonds .....	30,726,000	
Federal Aid .....	177,501,681	
(g) Construction—State Program .....		94,640,398
(h) Operations—Land & Buildings .....		2,305,500
The appropriation to the Highway Department shall include a transfer to the State Personnel Department of \$232,144.		

## SOURCE OF FUNDS:

(1) State General Fund .....	75,000	
(2) Public Road and Bridge Fund .....		265,370,393
(3) Federal Aid .....		177,501,681
(4) Bond Proceeds .....		30,726,000

There is hereby appropriated, for payment of the principal of and the interest on all bonds heretofore or hereafter issued for public highways and bridge purposes, or either, by the State of Alabama, Alabama Highway Authority, or Alabama Highway Finance Corporation, a total of \$38,595,075 or so much as may be necessary for payment of said principal and interest at their respective maturities, of the revenues pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h), of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

(1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—

(2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a),

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(b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made. In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein, the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department .....	<u>75,000</u>	<u>473,598,074</u>	<u>473,673,074</u>
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49. Highway and Traffic Safety,  
Office of:

(a) Traffic Control and Accident Prevention Program .....			3,551,800
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The appropriation to the Office of  
Highway and Traffic Safety shall  
include a transfer to the State  
Personnel Department of \$491.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	83,600		
(2) Federal Funds .....		<u>3,468,200</u>	
Total Office of Highway and Traffic Safety .....	<u>83,600</u>	<u>3,468,200</u>	<u>3,551,800</u>

50. Historic Chattahoochee Com-  
mission:

(a) Historical Resources Manage- ment Program .....			66,500
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	<u>66,500</u>		
Total Historic Chattahoochee Commission .....	<u>66,500</u>		<u>66,500</u>

51. Historical Commission, Ala-  
bama:

(a) Historical Resources Manage- ment Program .....			1,868,218
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The appropriation to the Alabama  
Historical Commission shall in-  
clude a transfer to the State Per-  
sonnel Department of \$736.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer	274,400		
(2) Federal, Local and Miscellaneous Funds .....		<u>1,593,818</u>	
Total Alabama Historical Commission .....	<u>274,400</u>	<u>1,593,818</u>	<u>1,868,218</u>

## 52. Industrial Relations, Department of:

(a) Skills Enhancement and Employment Opportunities Program .....			99,159,393
(b) Unemployment Compensation Program .....			180,333,617
(c) Administrative Services Program .....			6,340,871
(d) Industrial Safety and Accident Prevention Program .....			4,806,561
(e) Employment and Social Opportunities Program .....			325,810

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$70,212.

## SOURCE OF FUNDS:

(1) State General Fund .....	652,500		
(2) Federal, Local and Miscellaneous Funds .....		<u>290,313,752</u>	
Total Department of Industrial Relations .....	<u>652,500</u>	<u>290,313,752</u>	<u>290,966,252</u>

## 53. Insurance Board, State Employees':

(a) Administrative Support Services Program .....			72,434
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>72,434</u>		
Total State Employees' Insurance Board .....	<u>72,434</u>		<u>72,434</u>

## 54. Insurance, Department of:

(a) Regulatory Services Program			1,867,597
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The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$2,749.

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SOURCE OF FUNDS:

(1) State General Fund .....	906,469		
(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975 .....		820,253	
(3) Fire Marshals' Fund as pro- vided in Title 24, Chapter 5, Arti- cle 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund .....		<u>140,875</u>	
Total Department of Insurance ..	<u>906,469</u>	<u>961,128</u>	<u>1,867,597</u>

55. Labor, Department of:

(a) Regulatory Services Program .....			249,670
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SOURCE OF FUNDS:

(1) State General Fund .....	212,164		
(2) Federal, Local and Miscellane- ous Funds .....		<u>37,506</u>	
Total Department of Labor .....	<u>212,164</u>	<u>37,506</u>	<u>249,670</u>

56. LaGrange Historical site—  
Alabama Historical Commis-  
sion:

(a) Historical Resources Manage- ment Program .....			2,140
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SOURCE OF FUNDS:

(1) State General Fund—as pro- vided in Title 41, Chapter 9, Sec- tion 270, 1975 Code of Alabama .....	<u>2,140</u>		
Total LaGrange Historical Site— Alabama Historical Commission .....	<u>2,140</u>		<u>2,140</u>

57. Landscape Architects, Board of  
Examiners of:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....			4,650
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SOURCE OF FUNDS:

(1) Landscape Architects Fund ..	<u>4,650</u>		
Total Board of Examiners of Land- scape Architects .....	<u>4,650</u>		<u>4,650</u>

58. Law Enforcement Planning  
Agency, Alabama:

(a) Law Enforcement Planning and Development Program . . . .	8,644,885
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The appropriation to the Alabama Law Enforcement Planning Agency shall include a transfer to the State Personnel Department of \$2,602.

SOURCE OF FUNDS:

(1) State General Fund—Transfer for Matching Federal Funds . . .	596,780		
(2) Federal, Local and Miscellaneous Funds . . . . .		<u>8,048,105</u>	
Total Alabama Law Enforcement Planning Agency . . . . .	<u>596,780</u>	<u>8,048,105</u>	<u>8,644,885</u>

59. Liquefied Petroleum Gas Board:

(a) Regulatory Services Program	124,176
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The appropriation to the Liquefied Petroleum Gas Board shall include a transfer to the State Personnel Department of \$147.

SOURCE OF FUNDS:

(1) L. P. Gas Board Fund . . . . .	<u>124,176</u>	
Total Liquefied Petroleum Gas Board . . . . .	<u>124,176</u>	<u>124,176</u>

60. Medical Services Administration:

(a) Medical Assistance through Medicaid Program . . . . .	227,678,668
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The appropriation to the Medical Services Administration shall include a transfer to the State Personnel Department of \$9,770.

SOURCE OF FUNDS:

(1) State General Fund—Transfer	66,000,000		
(2) Federal, Local and Miscellaneous Funds . . . . .		<u>161,678,668</u>	
Total Medical Services Adminis- tration . . . . .	<u>66,000,000</u>	<u>161,678,668</u>	<u>227,678,668</u>

In addition to the above appropriation there is hereby appropriated \$30,000,000 to Medical Services Administration to be conditional upon the condition of the State General Fund and upon the approval of the Governor.



61. Mental Health, Department of:

(a) Institutional Treatment and Care—Mental Illness Program	45,300,542
(b) Institutional Treatment and Care—Mental Retardation Program	38,487,299
(c) Institutional Treatment and Care—Criminally Insane Program	348,297
(d) Non-Institutional Treatment and Care Program	22,253,454
(Of this amount, \$11,010,567 shall be used for Community Programs.)	
(e) Administrative Services Program	3,519,368

The appropriation to the Department of mental Health shall include a transfer to the State Personnel Department of \$284,289.

SOURCE OF FUNDS:

(1) Special Mental Health Fund—For Operations and Maintenance of the State Mental Health Department including the purchase of drugs to medically and indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals	68,195,817	
(2) Special Mental Health Fund—Community Programs	11,010,567	
(3) Transfer from ABC Profits	1,000,000	
(4) Cigarette Tax—1¢	925,455	
(5) Cigarette Tax—2¢	4,909,922	
(6) Federal, Local and Miscellaneous Funds	<u>23,867,199</u>	
Total Department of Mental Health	<u>109,908,960</u>	<u>109,908,960</u>

In addition to the above appropriation there is hereby appropriated \$36,400,000 to the Mental Health Department to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

62. A—Military Department:

(a) Military Operations Program	3,583,482
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(b) Capital Outlay .....		595,132
SOURCE OF FUNDS:		

(1) State General Fund—Transfer Capital outlay for the Armories at Atmore, Fayette, Huntsville, Jackson, Montgomery, and Sub-Surface Soil Investigation .	525,600	
(2) State General Fund—Transfer for Architect and Engineering Services and Specifications for the Armories at Atmore, Bir- mingham, Goodwater, Guin and Monroeville .....	69,532	
(3) State General Fund— Operations .....	907,176	
(4) State General Fund— Quarterly Allowances Headquarters—Regular Allow- ance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard .....	749,000	
(5) State General Fund—Active Military Service .....	113,610	
(6) State General Fund—Transfer to Armory Commission .....	<u>1,813,696</u>	
Total Military Department .....	<u>4,178,614</u>	<u>4,178,614</u>

62. B—Armory Commission of Al-  
abama:

(a) Military Operations Program	2,631,374
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SOURCE OF FUNDS:

(1) Transfer from Military De- partment .....	1,813,696
(2) Federal, Local and Miscellane- ous Funds .....	817,678

The funds hereinabove appropri-  
ated to the Armory Commission  
shall be payable from the funds  
in the State Treasury to the  
credit of the Armory Commission  
and the appropriation  
hereinabove made includes the  
appropriation made for the care,  
maintenance, and construction of  
armories. Provided, however,  
that the last Federal Govern-  
ment service contract reim-  
bursement shall not revert to the

State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.

Total Armory Commission of Alabama .....	<u>2,631,374</u>	<u>2,631,374</u>
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63. Nursing Home Administrators, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program .....		11,000
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SOURCE OF FUNDS:

(1) Board of Examiners of Nursing Home Administrators Fund ...	<u>11,000</u>	
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Total Board of Examiners of Nursing Home Administrators .....	<u>11,000</u>	<u>11,000</u>
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64. Oil and Gas Board:

(a) Management and Regulation of Oil and Gas Exploration and Development Program .....		836,094
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>836,094</u>	
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Total Oil and Gas Board .....	<u>836,094</u>	<u>836,094</u>
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65. Pardons and Parole, Board of:

(a) Administration of Pardons and Paroles Program .....		4,057,946
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The appropriation to the Board of Pardons and Parole shall include a transfer to the State Personnel Department of \$9,869.

SOURCE OF FUNDS:

(1) State General Fund .....	2,526,921	
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(2) Probationers Upkeep Fund ..		1,098,613
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(3) Federal, Local and Miscellaneous Funds .....		<u>432,412</u>
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Total Board of Pardons and Parole .....	<u>2,526,921</u>	<u>1,531,025</u>	<u>4,057,946</u>
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66. Peace Officers' Annuity and Benefit Fund, Alabama:

(a) Retirement Systems Program .....		170,715
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SOURCE OF FUNDS:

(1) Peace Officers' Annuity and Benefit Fund as provided in Title 36, Chapter 21, Article 4, 1975 Code of Alabama .....	<u>170,715</u>	
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Total Alabama Peace Officers' Annuity and Benefit Fund .....	170,715	170,715
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## 67. Pensions:

- (a) Social Services Program—For Confederate Veterans and their widows: Such an amount as may be necessary to pay all the pensions allowed to Confederate soldiers and sailors and their widows.

## SOURCE OF FUNDS:

- (1) Proceeds from the levy of the one mill tax as provided by Title 40, Chapter 8, Section 361, 1975 Code of Alabama.

## 68. Pensions and Security:

(a) Financial Assistance Program	115,680,637
(b) Social Services Program .....	77,418,000
(c) Food Assistance Program .....	21,639,606
(d) Child Support Enforcement Program .....	7,246,008
(e) Alabama Human Resources Board .....	100,000

The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$189,771.

## SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds .....	149,938,627
(2) Liquor License Tax .....	1,572,000
(3) ABC Profits .....	2,135,431
(4) Whiskey Tax .....	20,527,370
(5) State General Fund .....	5,000,000
(6) Beer Tax .....	7,213,360
(7) Pension Residue .....	6,845,000
(8) Sales Tax .....	1,322,000
(9) Franchise Tax .....	9,476,000
(10) Contracts, Service Fees .....	364,144
(11) Child Support Collections ..	1,574,119
(12) Sales Tax for Food Stamps ..	10,200,000
(13) Cigarette Tax .....	4,525,000
(14) Contractor's Gross Receipts Tax .....	1,387,000

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(15) Pension Fund .....		<u>4,200</u>	
Total Pensions and Security .....	<u>5,000,000</u>	<u>217,084,251</u>	<u>222,084,251</u>

In addition to the above appropriation there is hereby appropriated \$6,000,000 to the Department of Pensions and Security to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

69. Personnel Department, State:

(a) Administrative Support Program .....	1,648,528
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SOURCE OF FUNDS:

(1) State General Fund—Transfer	128,512	
(2) Federal, Local and Miscellaneous Funds .....		259,000
(3) Transfer from Department of Aeronautics .....		196
(4) Transfer from Commission on Aging .....		982
(5) Transfer from Agriculture and Industries .....		17,725
(6) Transfer from Agricultural Center Board .....		392
(7) Transfer from Alcoholic Beverage Control Board .....		58,920
(8) Transfer from Board of Registration of Architects .....		98
(9) Transfer from State Banking Department .....		2,062
(10) Transfer from Finance—Alabama Building Authority ..		589
(11) Transfer from Finance—Alabama Building Finance Authority .....		491
(12) Transfer from Building Commission .....		98
(13) Transfer from Civil Defense Department .....		1,423
(14) Transfer from Coastal Area Board .....		245
(15) Transfer from Conservation Department .....		27,005
(16) Transfer from State Licensing Board For General Contractors		245

(17) Transfer from Board of Corrections .....	59,214
(18) Transfer from Board of Cosmetology .....	491
(19) Transfer from Criminal Justice Information Center .....	2,602
(20) Transfer from Alabama Dairy Commission .....	540
(21) Transfer from Alabama Development Office .....	3,093
(22) Transfer from State Docks ..	4,812
(23) Transfer from Education ...	67,905
(24) Transfer from Education Study Commission .....	98
(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors ...	245
(26) Transfer from Firefighters Personnel Standards and Education Commission .....	196
(27) Transfer from Forestry Commission .....	19,983
(28) Transfer from Geological Survey .....	3,829
(29) Transfer from State Licensing Board for the Healing Arts ....	98
(30) Transfer from Health Department .....	100,605
(31) Transfer from Highway Department .....	232,144
(32) Transfer from Highway and Traffic Safety .....	491
(33) Transfer from Alabama Historical Commission .....	736
(34) Transfer from Industrial Relations .....	70,212
(35) Transfer from Insurance Department .....	2,749
(36) Transfer from Law Enforcement Planning Agency .....	2,602
(37) Transfer from Liquefied Petroleum Gas Board .....	147
(38) Transfer from Medical Services Administration .....	9,770
(39) Transfer from Department of Mental Health .....	284,289

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(40) Transfer from Board of Nursing .....	540		
(41) Transfer from Pardons and Paroles .....	9,869		
(42) Transfer from Peace Officers Standards and Training Commission .....	98		
(43) Transfer from Pensions and Security .....	189,771		
(44) Transfer from Physical Fitness Commission .....	196		
(45) Transfer from Board of Physical Therapy .....	49		
(46) Transfer from Office of State Planning and Federal Programs .....	2,062		
(47) Transfer from Public Library Service .....	2,700		
(48) Transfer from Public Service Commission .....	3,829		
(49) Transfer from Real Estate Commission .....	932		
(50) Transfer from Retirement Systems .....	4,320		
(51) Transfer from Department of Revenue .....	45,270		
(52) Transfer from Board of Social Work Examiners .....	49		
(53) Transfer from Surface Mining Reclamation Commission .....	982		
(54) Transfer from Department of Toxicology and Criminal Investigation .....	3,240		
(55) Transfer from Department of Youth Services .....	19,787		
Total State Personnel Department	<u>128,512</u>	<u>1,520,016</u>	<u>1,648,528</u>
70. Physical Therapy, Board of:			
(a) Professional and Occupational Licensing and Regulation Program .....			19,800
The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$49.			
SOURCE OF FUNDS:			
(1) Physical Therapist Fund .....		<u>19,800</u>	
Total Board of Physical Therapy		<u>19,800</u>	<u>19,800</u>

## 71. Planning and Federal Programs, Office of State:

(a) State Planning Program . . . . .	6,708,430
(b) Energy Management Program . . . . .	10,310,000
(c) Special Services Program . . . . .	390,608

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$2,062.

## SOURCE OF FUNDS:

(1) State General Fund—Transfer . . . . .	2,193,770		
(2) Federal, Local and Miscellaneous Funds . . . . .		15,215,268	
Total Office of State Planning and Federal Programs . . . . .	2,193,770	15,215,268	17,409,038

## 72. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program . . . . .	131,591
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## SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds . . . . .	131,591	
Total Office of Prosecution Services . . . . .	131,591	131,591

## 73. Psychology, Alabama Board of Examiners in:

(a) Professional and Occupational Licensing and Regulation Program . . . . .	16,000
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## SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund . . . . .	16,000	
Total Alabama Board of Examiners in Psychology . . . . .	16,000	16,000

## 74. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program . . . . .	11,585,308
(b) Criminal Investigation Program . . . . .	2,157,197
(c) Driver's Licensing and Improvement Program . . . . .	5,510,515
(d) Public Safety Support Services Program . . . . .	8,457,743
(e) Administrative Services Program . . . . .	1,789,237



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(f) Alabama Criminal Justice Training Center Program .....	1,600,000
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SOURCE OF FUNDS:

(1) State General Fund .....	30,520,000	
(2) State General Fund—Capital Outlay—Building and equip- ping .....	<u>580,000</u>	
Total Department of Public Safety	<u>31,100,000</u>	<u>31,100,000</u>

75. Public Service Commission:

(a) Administrative Services Pro- gram .....	543,580
(b) Regulatory Services Program	2,956,420

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$3,829.

SOURCE OF FUNDS:

(1) Public Service Commission Fund .....	3,500,000
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$500,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>3,500,000</u>	<u>3,500,000</u>
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76. Real Estate Commission, Alabama:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	600,000
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$932.

SOURCE OF FUNDS:

(1) Alabama Real Estate Commis- sion Fund—as provided in Title
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34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated .....			600,000	
Total Alabama Real Estate Commission .....			600,000	600,000
77. Retirement System of Alabama, Employees' (General Fund Share):				
(a) Retirement System Program, Estimated .....				7,754,674
SOURCE OF FUNDS:				
(1) State General Fund—Estimated .....			7,754,674	
Total Employees' Retirement System of Alabama (General Fund Share) .....			7,754,674	7,754,674
78. Revenue Department:				
(a) State Revenue Administration Program .....				21,622,498
The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$45,270.				
SOURCE OF FUNDS:				
(1) State General Fund—as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments .....			250,000	
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama .....				295,290
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....				229,890
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections .....				195,605
(5) Transfer from the gross proceeds of Gasoline Tax Collections .....				1,533,924
(6) Transfer from the Income Tax Collections .....				5,102,655

(7) Transfer from the gross proceeds of Motor Fuel Tax Collections .....	885,871
(8) Transfer from the gross proceeds of Motor Vehicle License Collections .....	895,780
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-Mill Ad Valorem Tax .....	273,490
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....	675,798
(11) Transfer from the gross proceeds of Sales Tax Collections ..	7,115,921
(12) Transfer from the gross proceeds of the Tobacco Tax Collections .....	1,460,597
(13) Transfer from the gross proceeds of Use Tax Collections ..	697,598
(14) Transfer from the gross proceeds of the Utility Tax Collections—as provided in Title 40, Chapter 21, Article 4, 1975 Code of Alabama .....	455,817
(15) Federal, Local and Miscellaneous Funds .....	1,554,262

The amounts hereinabove appropriated for the cost of maintenance and operations of the Department of Revenue are in lieu of any other statutory provisions for the payment of the cost of operating said Department or collections of the taxes as authorized by law.

Provided, however, in addition to the amount hereinabove appropriated, there is hereby appropriated to the Department of Revenue all sums allowed the Department of Revenue by local Acts of the Legislature as a charge for the collection of taxes or licenses.

Total Revenue Department .....	<u>250,000</u>	<u>21,372,498</u>	<u>21,622,498</u>
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79. Revenue—Auto Title and Antitheft:

(a) State Revenue Administration Program .....		937,500
SOURCE OF FUNDS:		
(1) State General Fund—Transfer .....	937,500	
Total Revenue—Auto Title and Antitheft .....	937,500	937,500
80. Revenue—Boards of Equalization:		
(a) State Revenue Administration Program .....		136,800
SOURCE OF FUNDS:		
(1) State General Fund .....	136,800	
Total Revenue—Boards of Equalization .....	136,800	136,800
81. Revenue—Motor Vehicle License:		
(a) State Revenue Administration Program .....		1,918,050
SOURCE OF FUNDS:		
(1) Transfer from the gross proceeds of Motor Vehicle License Collections for the purchase only of Motor Vehicle License Tags .....	1,918,050	
Total Revenue—Motor Vehicle License .....	1,918,050	1,918,050
82. Richmond P. Hobson Memorial Board:		
(a) Historical Resources Management Program .....		7,270
SOURCE OF FUNDS:		
(1) State General Fund—as provided in Title 41, Chapter 9, Section 221, 1975 Code of Alabama, and an additional amount .....	7,270	
Total Richmond P. Hobson Memorial Board .....	7,270	7,270
83. Sanitarians, Board of Registration for:		
(a) Professional and Occupational Licensing and Regulation Program .....		3,700
SOURCE OF FUNDS:		
(1) Registration Board of Sanitarians Fund—as provided in Title		

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34, Chapter 28, 1975 Code of Alabama .....	3,700		
Total Board of Registration for Sanitarians .....	<u>3,700</u>	<u>3,700</u>	
84. Secretary of State:			
(a) Administrative Support Services Program .....			365,000
SOURCE OF FUNDS:			
(1) State General Fund .....	<u>365,000</u>		
Total Secretary of State .....	<u>365,000</u>		<u>365,000</u>
85. Securities Commission:			
(a) Regulatory Services Program .....			475,314
SOURCE OF FUNDS:			
(1) State General Fund .....	390,314		
(2) Federal, Local and Miscellaneous Funds .....		60,619	
(3) Sales of Checks License Fund .....		7,381	
(4) Exemption Fund .....		<u>17,000</u>	
Total Securities Commission ....	<u>390,314</u>	<u>85,000</u>	<u>475,314</u>
86. Social Security Agency:			
(a) Administrative Support Services Program .....			231,950
SOURCE OF FUNDS:			
(1) State General Fund .....	221,502		
(2) Contribution Fund .....		<u>10,448</u>	
Total Social Security Agency ....	<u>221,502</u>	<u>10,448</u>	<u>231,950</u>
87. Social Work Examiners, Alabama State Board of:			
(a) Professional and Occupational Licensing and Regulation Program .....			43,500
The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$49.			
SOURCE OF FUNDS:			
(1) Alabama State Board of Social Work Examiners Fund—as provided in Title 34, Chapter 30, 1975 Code of Alabama .....		<u>43,500</u>	

Total Alabama State Board of Social Work Examiners .....	43,500	43,500
88. Soil and Water Conservation Committee, Alabama State:		
(a) Water Resource Development Program .....		415,235
(b) Soil Survey .....		100,000
SOURCE OF FUNDS:		
(1) State General Fund .....	515,235	
Total Alabama State Soil and Water Conservation Committee .....	515,235	515,235
89. Southern Growth Policies Board:		
(a) Special Services Program ....		25,300
SOURCE OF FUNDS:		
(1) State General Fund .....	25,300	
Total Southern Growth Policies Board .....	25,300	25,300
90. Space Science Exhibit Commission, Alabama:		
(a) Tourism and Travel Promotion Program .....		2,977,760
SOURCE OF FUNDS:		
(1) State General Fund—Capital Outlay .....	400,000	
(2) Federal, Local and Miscellaneous Funds .....	2,577,760	
Total Alabama Space Science Exhibit Commission .....	400,000	2,977,760
91. Speech Pathology and Audiology, Alabama Board of Examiners for:		
(a) Professional and Occupational Licensing and Regulation Program .....		12,000
SOURCE OF FUNDS:		
(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund—as provided in Title 34, Chapter 28A, 1975 Code of Alabama .....	12,000	
Total Alabama Board of Examiners for Speech Pathology and Audiology .....	12,000	12,000

92. Surface Mining Reclamation  
Commission:

(a) Industrial Safety and Accident Prevention Program .....	1,828,900
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The appropriation to the Surface  
Mining Reclamation Commis-  
sion shall include a transfer to  
the State Personnel Department  
of \$982.

SOURCE OF FUNDS:

(1) Surface Mining Reclamation  
Commission Fund—as provided  
by Title 9, Chapter 16, Article 2,  
1975 Code of Alabama. All fees  
and charges, grants, gifts, fines,  
bond forfeitures or other monies  
received under the above act, in  
addition to the appropriation he-  
rein made, are appropriated to  
the Surface Mining Reclamation  
Commission .....

1,828,900

Total Surface Mining Reclamation  
Commission .....

<u>1,828,900</u>	<u>1,828,900</u>
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93. Tannehill Historical State  
Park:

(a) Historical Resources Manage- ment Program .....	778,000
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SOURCE OF FUNDS:

(1) State General Fund .....	200,000
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(2) Federal, Local and Miscellane-  
ous Funds .....

578,000

Total Tannehill Historical State  
Park .....

<u>200,000</u>	<u>578,000</u>	<u>778,000</u>
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94. Tennessee-Tombigbee Water-  
way Development Authority:

(a) Water Resource Development Program .....	474,951
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SOURCE OF FUNDS:

(1) State General Fund—as pro- vided in Title 33, Chapter 8, 1975 Code of Alabama as amended .	140,000
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(2) Federal, Local and Miscellane-  
ous Funds .....

334,951

Total Tennessee-Tombigbee  
Waterway Development Author-  
ity .....

<u>140,000</u>	<u>334,951</u>	<u>474,951</u>
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## 95. Toxicology and Criminal Investigation, Alabama Department of:

(a) Forensic Science Services Program .....	2,846,500
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The appropriation to the Alabama Department of Toxicology and Criminal Investigation shall include a transfer to the State Personnel Department of \$3,240.

## SOURCE OF FUNDS:

(1) State General Fund .....	1,955,000		
(2) State General Fund— Transfer—Capital Outlay .....	700,000		
(3) Federal, Local and Miscellaneous Funds .....		191,500	
Total Alabama Department of Toxicology and Criminal Investigation .....	2,655,000	191,500	2,846,500

In addition to the above appropriation there is hereby appropriated \$200,000 to the Department of Toxicology and Criminal Investigation to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

## 96. Treasurer, State:

(a) Fiscal Management Program .....	864,500
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## SOURCE OF FUNDS:

(1) State General Fund .....	864,500	
Total State Treasurer .....	864,500	864,500

## 97. Uniform State Laws, Commission on:

(a) Special Services Program ....	4,275
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## SOURCE OF FUNDS:

(1) State General Fund—as provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama ..	4,275	
Total Commission on Uniform State Laws .....	4,275	4,275

## 98. Veterans Affairs, Department of:

(a) Administration of Veterans Affairs Program .....	1,696,430
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,696,430</u>	
Total Department of Veterans Affairs .....	<u>1,696,430</u>	<u>1,696,430</u>

99. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....		10,925
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SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund—as provided in Title 34, Chapter 29, 1975 Code of Alabama .....	<u>10,925</u>	
Total Alabama State Board of Veterinary Medical Examiners ...	<u>10,925</u>	<u>10,925</u>

100. Water and Waste Water Systems Personnel, Board of Certification for:

(a) Professional and Occupational Licensing and Regulation Program .....		4,800
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SOURCE OF FUNDS:

(1) Operators Certification Fund—as provided in Title 22, Chapter 25, 1975 Code of Alabama .....	<u>4,800</u>	
Total Board of Certification for Water and Waste Water Systems Personnel .....	<u>4,800</u>	<u>4,800</u>

101. Water Well Standards Board, Alabama:

(a) Professional and Occupational Licensing and Regulation Program .....		51,000
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SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund—as provided in Title 22, Chapter 24, 1975 Code of Alabama .....	<u>51,000</u>	
Total Alabama Water Well Standards Board .....	<u>51,000</u>	<u>51,000</u>

102. Women's Commission, Alabama:

(a) Employment and Social Opportunities Program .....		10,300
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>10,300</u>	
Total Alabama Women's Commis- sion .....	<u>10,300</u>	<u>10,300</u>

D. Other Functions of Government  
Funded From the General Fund:

## 1. Advertising Lands for Tax Sale:

(a) State Revenue Administration Program, Estimated .....		45,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>45,000</u>	
Total Advertising Lands for Tax Sale .....	<u>45,000</u>	<u>45,000</u>

## 2. Arrest of Absconding Felons:

(a) Criminal Investigation Pro- gram, Estimated .....		51,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>51,000</u>	
Total Arrest of Absconding Felons	<u>51,000</u>	<u>51,000</u>

## 3. Automatic Appeal Expense:

(a) Legal Advice and Legal Service Program, Estimated .....		1,700
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## SOURCE OF FUNDS:

(1) State General Fund as provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Ala- bama .....	<u>1,700</u>	
Total Automatic Appeal Expense	<u>1,700</u>	<u>1,700</u>

4. Civil Court Costs in Connection  
with Ad Valorem Tax Assess-  
ments Appeals:

(a) State Revenue Administration Program, Estimated .....		200
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## SOURCE OF FUNDS

(1) State General Fund .....	<u>200</u>	
Total Civil Court Costs in Con- nection with Ad Valorem Tax As- sessments Appeals .....	<u>200</u>	<u>200</u>

## 5. Consumer Utility Rate Hearing:

(a) Executive Direction Program		250,000
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama .....	<u>250,000</u>	
Total Consumer Utility Rate Hear- ing .....	<u>250,000</u>	<u>250,000</u>

6. Court Costs—Act No. 558, 1957:

(a) Court Operations Program, Es- timated .....		50,000
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SOURCE OF FUNDS:

(1) State General Fund pursuant to Act No. 558, 1957, page 777 .....	<u>50,000</u>	
Total Court Costs—Act No. 558, 1957 .....	<u>50,000</u>	<u>50,000</u>

7. Courts Costs not otherwise Pro-  
vided for:

(a) Legal Advice and Legal Service Program, Estimated .....		670,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>670,000</u>	
Total Court Costs Not Otherwise Provided For .....	<u>670,000</u>	<u>670,000</u>

8. Distribution of Public Docu-  
ments:

(a) Administrative Support Ser- vice Program, Estimated .....		1,500
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,500</u>	
Total Distribution of Public Docu- ments .....	<u>1,500</u>	<u>1,500</u>

9. Election Expenses:

(a) Special Services Program, Es- timated .....		500,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>500,000</u>	
Total Election Expenses .....	<u>500,000</u>	<u>500,000</u>

10. Emergency Fund, Departmen-  
tal:

(a) Special Services Program ....		450,000
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SOURCE OF FUNDS:

(1) State General Fund		
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(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section) . . . .

450,000

Total Departmental Emergency Fund . . . . .

450,000

450,000

11. Fair Trial Tax Transfer:

(a) Court Operations Program . .

100,000

SOURCE OF FUNDS:

(1) State General Fund . . . . .

100,000

Total Fair Trial Tax Transfer . . .

100,000

100,000

12. Feeding of Prisoners:

(a) Institutional Services Corrections Program, Estimated . . . .

3,000,000

SOURCE OF FUNDS:

(1) State General Fund for expenses of feeding prisoners in county jails . . . . .

3,000,000

Total Feeding of Prisoners . . . . .

3,000,000

3,000,000

13. General Government: . . . . .

12,500,000

SOURCE OF FUNDS:

(1) Federal Revenue Sharing . . .

12,500,000

Total General Government . . . . .

12,500,000

12,500,000

14. Governors' Conference, National:

(a) Executive Direction Program

40,892

SOURCE OF FUNDS:

(1) State General Fund . . . . .

40,892

Total National Governors' Conference . . . . .

40,892

40,892

15. Governor's Councillor:

(a) Executive Direction Program

36,000

SOURCE OF FUNDS:

(1) State General Fund as provided in Title 36, Chapter 13, Section 13, 1975 Code of Alabama . . . .

36,000

Total Governor's Councillor . . . . .

36,000

36,000

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16. Governor's Proclamation Ex-  
penses:

(a) Executive Direction Program 150,000

SOURCE OF FUNDS:

(1) State General Fund 150,000

Total Governor's Proclamation Ex-  
penses 150,000 150,000

17. Governors' Widows Retire-  
ment:

(a) Executive Direction Program 14,400

SOURCE OF FUNDS:

(1) State General Fund 14,400

Total Governors' Widows Retire-  
ment 14,400 14,400

18. Insurance, State Employees':

(a) Administrative Support Ser-  
vice Program, Estimated 2,100,000

SOURCE OF FUNDS:

(1) State General Fund, Esti-  
mated 2,100,000

Total State Employees' Insurance 2,100,000 2,100,000

19. Interpreter's Account:

(a) Court Support Services Pro-  
gram, Estimated 1,000

SOURCE OF FUNDS:

(1) State General Fund as provided  
in Title 12, Chapter 21, Sections  
131-134, 1975 Code of Alabama 1,000

Total Interpreter's Account 1,000 1,000

20. Law Enforcement Fund:

(a) Special Police Services Pro-  
gram 9,000

SOURCE OF FUNDS:

(1) State General Fund—Transfer 9,000

Total Law Enforcement Fund 9,000 9,000

21. Law Enforcement Legal De-  
fense:

(a) Legal Advice and Legal Service  
Program 5,000

## SOURCE OF FUNDS:

(1) State General Fund to carry out provisions of Act No. 259, 1957 Regular Session .....	5,000	
Total Law Enforcement Legal Defense .....	5,000	5,000

## 22. Legislatures, Nat'l. Conference of State:

(a) Legislative Operations and Support Program .....		43,390
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## SOURCE OF FUNDS:

(1) State General Fund .....	43,390	
Total National Conference of State Legislators .....	43,390	43,390

## 23. Mailing Tax Notices:

(a) State Revenue Administration Program, Estimated .....		1,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	1,000	
Total Mailing Tax Notices .....	1,000	1,000

## 24. Matching Federal Funds not Otherwise Provided for:

(a) Court Operations Program ..		90,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	90,000	
Total Matching Federal Funds Not Otherwise Provided For .....	90,000	90,000

## 25. Mental Health Fund, Alabama Special .....

22,562,500

## SOURCE OF FUNDS:

(1) State General Fund Transfer .....	22,562,500	
Total Alabama Special Mental Health Fund .....	22,562,500	22,562,500

## 26. Printing of Legislative Acts and Journals:

(a) Administrative Support Services Program, Estimated .....		163,300
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## SOURCE OF FUNDS:

(1) State General Fund .....	163,300	
Total Printing of Legislative Acts and Journals .....	163,300	163,300

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**27. Printing of State and County  
Privilege Licenses:**

(a) State Revenue Administration Program .....	11,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>11,000</u>
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Total Printing of State and County Privilege Licenses .....	<u>11,000</u>
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**28. Public Defenders:**

(a) Court Operations Program ..	33,000
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**SOURCE OF FUNDS:**

(1) State General Fund for salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Ses- sion .....	<u>33,000</u>
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Total Public Defenders .....	<u>33,000</u>
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**29. Registration of Voters:**

(a) Special Services Program, Es- timated .....	600,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>600,000</u>
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Total Registration of Voters .....	<u>600,000</u>
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**30. Removal of Prisoners:**

(a) Special Police Services Pro- gram, Estimated .....	105,000
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**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>105,000</u>
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Total Removal of Prisoners .....	<u>105,000</u>
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**31. Social Security (General Fund  
Share):**

(a) Administrative Support Ser- vice Program, Estimated .....	3,700,000
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(Includes payment to MICA)

**SOURCE OF FUNDS:**

(1) State General Fund .....	<u>3,700,000</u>
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Total Social Security (General Fund Share) .....	<u>3,700,000</u>
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**32. State Treasurer—Previous  
Year's Unpaid Warrants:**

(a) Special Services Program, Estimated .....		136,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>136,000</u>	
Total State Treasurer—Previous Years Unpaid Warrants .....	<u>136,000</u>	<u>136,000</u>
E. FINANCIAL ASSISTANCE TO NON-STATE AGENCIES:		
1. Amos Alonzo Stagg Bowl:		
(a) Tourism and Travel Promotion Program .....		3,850
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>3,850</u>	
Total Amos Alonzo Stagg Bowl ..	<u>3,850</u>	<u>3,850</u>
2. Appalachian Regional Commission:		
(a) Planning Program .....		168,625
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>168,625</u>	
Total Appalachian Regional Commission .....	<u>168,625</u>	<u>168,625</u>
3. Armed Forces Day in Alabama:		
(a) Historical Resources Management Program .....		1,150
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,150</u>	
Total Armed Forces Day in Alabama .....	<u>1,150</u>	<u>1,150</u>
4. Azalea Trail Festival, Mobile:		
(a) Tourism and Travel Promotion Program .....		2,140
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>2,140</u>	
Total Mobile Azalea Trail Festival .....	<u>2,140</u>	<u>2,140</u>
5. Big Nance Creek Water Management District:		
(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,925</u>	



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Total Big Nance Creek Water Management District .....	1,925	<u>1,925</u>
6. Birmingham Chamber Music Society:		
(a) Fine Arts Program .....		2,140
SOURCE OF FUNDS:		
(1) State General Fund .....	2,140	
Total Birmingham Chamber Music Society .....	<u>2,140</u>	<u>2,140</u>
7. Birmingham Festival of Arts, Inc.:		
(a) Fine Arts Program .....		21,380
SOURCE OF FUNDS:		
(1) State General Fund .....	21,380	
Total Birmingham Festival of Arts, Inc. ....	<u>21,380</u>	<u>21,380</u>
8. Birmingham Sickie Cell:		
(a) Sickie Cell Education Program .....		30,000
SOURCE OF FUNDS:		
(1) State General Fund .....	30,000	
Total Birmingham Sickie Cell ...	<u>30,000</u>	<u>30,000</u>
9. Blue and Gray Association, Inc.:		
(a) Tourism and Travel Promotion Program .....		7,700
SOURCE OF FUNDS:		
(1) State General Fund .....	7,700	
Total Blue and Gray Association, Inc. ....	<u>7,700</u>	<u>7,700</u>
10. Chilton County Peach Festival:		
(a) Tourism and Travel and Promotion Program .....		6,400
SOURCE OF FUNDS:		
(1) State General Fund .....	6,400	
Total Chilton County Peach Festival .....	<u>6,400</u>	<u>6,400</u>
11. Choccolocco Creek Watershed Association:		
(a) Water Resource Development Program .....		3,000

## SOURCE OF FUNDS:

(1) State General Fund .....	3,000	
Total Choccolocco Creek Watershed Association .....	3,000	3,000
12. Choctawhatchee River Watershed Association South- east:		

(a) Water Resource Development Program .....		1,925
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## SOURCE OF FUNDS:

(1) State General Fund .....	1,925	
Total Southeast Choctawhatchee River Watershed Association ...	1,925	1,925

## 13. Civil Air Patrol:

(a) Readiness and Recovery Pro- gram .....		30,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	30,000	
Total Civil Air Patrol .....	30,000	30,000

14. Coosa-Alabama River Im-  
provement Association:

(a) Water Resource Development Program .....		10,700
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## SOURCE OF FUNDS:

(1) State General Fund .....	10,700	
Total Coosa-Alabama River Im- provement Association .....	10,700	10,700

15. Coosa River Action Council,  
Inc.:

(a) Water Resource Development Program .....		8,550
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## SOURCE OF FUNDS:

(1) State General Fund .....	8,550	
Total Coosa River Action Council, Inc. ....	8,550	8,550

16. Deep Sea Fishing Rodeo, Ala-  
bama:

(a) Tourism and Travel Promotion Program .....		1,285
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## SOURCE OF FUNDS:

(1) State General Fund .....	1,285	
Total Alabama Deep Sea Fishing Rodeo .....	1,285	1,285

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17. Dynne Creek Watershed Con-  
servancy District:

(a) Water Resource Development  
Program ..... 1,925

SOURCE OF FUNDS:

(1) State General Fund ..... 1,925

Total Dynne Creek Watershed  
Cons. Dist. .... 1,925 1,925

18. Elk River Development  
Agency:

(a) Water Resource Development  
Program ..... 6,400

SOURCE OF FUNDS:

(1) State General Fund ..... 6,400

Total Elk River Development  
Agency .... 6,400 6,400

19. Elyton Recovery Center:

(a) Non-Institutional Treatment  
and Care Program ..... 155,000

SOURCE OF FUNDS:

(1) State General Fund—Capital  
Improvement ..... 155,000

Total Elyton Recovery Center ... 155,000 155,000

20. Energy Board, Southern  
States:

(a) Discovery and Development of  
Mineral, Energy and Water Re-  
sources, Geologic Research and  
Topographic Mapping Program ..... 21,171

SOURCE OF FUNDS:

(1) State General Fund ..... 21,171

Total Southern States Energy  
Board ..... 21,171 21,171

21. Federation of Southern  
Cooperatives:

(a) Tourism and Travel Promotion  
Program ..... 8,550

(For Miss Black Alabama Pageant)

SOURCE OF FUNDS:

(1) State General Fund ..... 8,550

Total Federation of Southern  
Cooperatives ..... 8,550 8,550

## 22. Forest Festival, Alabama:

(a) Forest Information and Education Program .....	4,275
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## SOURCE OF FUNDS:

(1) State General Fund .....	4,275	
Total Alabama Forest Festival ..	4,275	4,275

## 23. Geneva County Tomato Festival:

(a) Tourism and Travel Promotion Program .....	4,275
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## SOURCE OF FUNDS:

(1) State General Fund .....	4,275	
Total Geneva County Tomato Festival .....	4,275	4,275

## 24. George Lindsey Celebrity Benefit, Inc.:

(a) Tourism and Travel Promotion Program .....	8,550
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## SOURCE OF FUNDS:

(1) State General Fund .....	8,550	
Total George Lindsey Celebrity Benefit, Inc. ....	8,550	8,550

## 25. Gulf Shores Tourist Association:

(a) Tourism and Travel Promotion Program .....	11,543
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## SOURCE OF FUNDS:

(1) State General Fund .....	11,543	
Total Gulf Shores Tourist Association .....	11,543	11,543

## 26. Guntersville Boat Races:

(a) Tourism and Travel Promotion Program .....	7,310
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## SOURCE OF FUNDS:

(1) State General Fund .....	7,310	
Total Guntersville Boat Races ...	7,310	7,310

## 27. Hank Williams Memorial Association:

(a) Historical Resources Management Program .....	4,275
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>4,275</u>	
Total Hank Williams Memorial Association .....	<u>4,275</u>	<u>4,275</u>

28. Helen Keller Property Board:

(a) Historical Resources Management Program .....		25,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>25,000</u>	
Total Helen Keller Property Board .....	<u>25,000</u>	<u>25,000</u>

29. Interstate Mining Commission:

(a) Planning Program .....		8,901
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>8,901</u>	
Total Interstate Mining Commission .....	<u>8,901</u>	<u>8,901</u>

30. Junior Miss Pageant, Inc., America's:

(a) Tourism and Travel Promotion Program .....		33,000
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>33,000</u>	
Total America's Junior Miss Pageant, Inc. ....	<u>33,000</u>	<u>33,000</u>

31. Ketchepedrakee Creek Watershed Conservancy District:

(a) Water Resource Development Program .....		1,925
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,925</u>	
Total Ketchepedrakee Creek Watershed Conservancy District .....	<u>1,925</u>	<u>1,925</u>

32. Lake Eufaula Summer Spectacular:

(a) Tourism and Travel Promotion Program .....		7,700
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>7,700</u>	
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Total Lake Eufaula Summer Spectacular .....	<u>7,700</u>	<u>7,700</u>
33. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program .....		3,848
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>3,848</u>	
Total Mobile Carnival Association .....	<u>3,848</u>	<u>3,848</u>
34. Mountain Lakes Tourist Association, Alabama:		
(a) Tourism and Travel Promotion Program .....		19,665
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>19,665</u>	
Total Alabama Mountain Lakes Tourist Association .....	<u>19,665</u>	<u>19,665</u>
35. Pea River Historical and Genealogical Society:		
(a) Historical Resources Management Program .....		4,275
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>4,275</u>	
Total Pea River Historical and Genealogical Society .....	<u>4,275</u>	<u>4,275</u>
36. Pea River Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,925</u>	
Total Pea River Watershed Conservancy District .....	<u>1,925</u>	<u>1,925</u>
37. Peanut Festival Association, Inc., National:		
(a) Tourism and Travel Promotion Program .....		10,260
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>10,260</u>	
Total National Peanut Festival Association, Inc. ....	<u>10,260</u>	<u>10,260</u>

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38. Pike County Pioneer Museum  
Association:

(a) Historical Resources Manage-  
ment Program ..... 4,275

SOURCE OF FUNDS:

(1) State General Fund ..... 4,275

Total Pike County Pioneer  
Museum Association ..... 4,275 4,275

39. Pimento Festival:

(a) Tourism and Travel Promotion  
Program ..... 855

SOURCE OF FUNDS:

(1) State General Fund ..... 855

Total Pimento Festival ..... 855 855

40. Riverboat Commission, Inc.,  
Montgomery:

(a) Tourism and Travel Promotion  
Program ..... 19,250

SOURCE OF FUNDS:

(1) State General Fund ..... 19,250

Total Montgomery Riverboat  
Commission, Inc. .... 19,250 19,250

41. Shakespeare Festival, Ala-  
bama:

(a) Fine Arts Program ..... 6,410

SOURCE OF FUNDS:

(1) State General Fund ..... 6,410

Total Alabama Shakespeare Festi-  
val ..... 6,410 6,410

42. Southern Championship Char-  
ity Horseshow:

(a) Tourism and Travel Promotion  
Program ..... 4,275

SOURCE OF FUNDS:

(1) State General Fund ..... 4,275

Total Southern Championship  
Horseshow ..... 4,275 4,275

43. Spirit of America Festival,  
Inc.:

(a) Tourism and Travel Promotion  
Program ..... 3,850

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>3,850</u>	
Total Spirit of America Festival, Inc. ....	<u>3,850</u>	<u>3,850</u>

## 44. Sports Hall of Fame:

(a) Historical Resources Manage- ment Program .....		28,500
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>28,500</u>	
Total Sports Hall of Fame .....	<u>28,500</u>	<u>28,500</u>

45. Steer Show Association, Ala-  
bama State:

(a) Agricultural Development Services Program .....		15,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>15,000</u>	
Total Alabama State Steer Show Association .....	<u>15,000</u>	<u>15,000</u>

46. Tallacoosa Highland Lakes  
Association:

(a) Tourism and Travel Promotion Program .....		7,700
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>7,700</u>	
Total Tallacoosa Highland Lakes Association .....	<u>7,700</u>	<u>7,700</u>

47. Tallasseehatchie Creek  
Watershed Conservancy Dis-  
trict:

(a) Water Resource Development Program .....		1,700
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,700</u>	
Total Tallasseehatchie Creek Watershed Conservancy District .....	<u>1,700</u>	<u>1,700</u>

48. Tennessee River Valley Asso-  
ciation:

(a) Water Resource Development Program .....		11,970
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>11,970</u>	
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Total Tennessee River Valley Association .....	11,970	11,970
49. Tennessee Valley Publicity and Improvement Association:		
(a) Tourism and Travel Promotion Program .....		34,200
SOURCE OF FUNDS:		
(1) State General Fund .....	34,200	
Total Tennessee Valley Publicity and Improvement Association ..	34,200	34,200
50. Terrapin Creek Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	1,925	
Total Terrapin Creek Watershed-Conservancy District .....	1,925	1,925
51. Travel Council, Alabama:		
(a) Tourism and Travel Promotion Program .....		34,200
SOURCE OF FUNDS:		
(1) State General Fund .....	34,200	
Total Alabama Travel Council ..	34,200	34,200
52. Tri-Rivers Waterway Development Association:		
(a) Water Resource Development Program .....		23,085
SOURCE OF FUNDS:		
(1) State General Fund .....	23,085	
Total Tri-Rivers Waterway Development Association .....	23,085	23,085
53. Vestavia Hills Dogwood Festival and Trail:		
(a) Tourism and Travel Promotion Program .....		855
SOURCE OF FUNDS:		
(1) State General Fund .....	855	
Total Vestavia Hills Dogwood Festival and Trail .....	855	855

## 54. Veterans Day Committee, National:

(a) Historical Resources Management Program .....	5,990
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>5,990</u>	
Total National Veterans Day Committee .....	<u>5,990</u>	<u>5,990</u>

## 55. Veterans Day in Alabama:

(a) Historical Resources Management Program .....	1,710
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,710</u>	
Total Veterans Day in Alabama .	<u>1,710</u>	<u>1,710</u>

## 56. Women's Hall of Fame, Alabama:

(a) Historical Resources Management Program .....	5,815
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>5,815</u>	
Total Alabama Women's Hall of Fame .....	<u>5,815</u>	<u>5,815</u>

## 57. Y. M. C. A. Youth Legislature:

(a) Special Services Program ....	10,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>10,000</u>	
Total Y.M.C.A. Youth Legislature	<u>10,000</u>	<u>10,000</u>

## 58. Cahaba Historical Commission:

(a) Historical Resources Management Program .....	6,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>6,000</u>	
Total Cahaba Historical Commission .....	<u>6,000</u>	<u>6,000</u>

## 59. Motor Sports Hall of Fame:

(a) Tourism and Travel Promotion Program .....	75,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>75,000</u>
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Total Motor Sports Hall of Fame	75,000	75,000
60. Army Aviation Museum, Fort Rucker, Ala.		
(a) Historical Resources Management Program .....		75,000
SOURCE OF FUNDS:		
(1) State General Fund .....	75,000	
Total Army Aviation Museum, Fort Rucker .....	75,000	75,000
61. Dorse, Mary E., Recreational and Educational Center:		
(a) Financial Assistance Program		5,000
SOURCE OF FUNDS:		
(1) State General Fund .....	5,000	
Total Mary E. Dorse Recreational and Educational Center .....	5,000	5,000
F. DEBT SERVICE FUNDED FROM THE GENERAL FUND:		
1. General Obligation Capital Improvement Bonds, Series A and B, Estimated .....		1,141,188
SOURCE OF FUNDS:		
(1) State General Fund, Series A and B, Estimated .....	1,141,188	
Total General Obligation Capital Improvement Bonds, Series A and B, Estimated .....	1,141,188	1,141,188
2. General Obligation Coosa Waterway Bonds, Series A, Estimated .....		650,848
SOURCE OF FUNDS:		
(1) State General Fund .....	650,848	
Total General Obligation Coosa Waterway Bonds, Series A, Estimated .....	650,848	650,848
3. General Obligation Docks Facilities Bonds, Series A and B, Estimated .....		2,899,600
SOURCE OF FUNDS:		
(1) State General Fund .....	2,899,600	
Total General Obligation Docks Facilities Bonds, Series A and B, Estimated .....	2,899,600	2,899,600

4. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....	613,200
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>613,200</u>
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Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....	<u>613,200</u>	<u>613,200</u>
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5. Inland Waterway Improvement Bonds, Series A through D, Es- timated .....	437,543
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>437,543</u>
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Total Inland Waterway Improve- ment Bonds, Series A through D, Estimated .....	<u>437,543</u>	<u>437,543</u>
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6. Tennessee-Tombigbee Water- way Bonds, Series A and B, Es- timated .....	880,433
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## SOURCE OF FUNDS:

(1) State General Fund, Estimated pursuant to Constitutional Amendment No. CCLXX as pro- vided in Act No. 248, 1967 Regu- lar Session .....	<u>880,433</u>
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Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated .....	<u>880,433</u>	<u>880,433</u>
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Section 3. The Sum of \$1,968,680 or so much thereof as may become available as herein provided, is hereby appropriated from the State General Fund in the state treasury to the State Building Commission for use in acquiring land adjacent to the state capitol building for use as additional parking space. The appropriation made herein is conditional upon the condition of the State General Fund, as ascertained by the Governor, and shall be released only upon approval of the Governor.

In addition to the above appropriation there is hereby appropriated \$38,000 to the State Virology Laboratory in Jefferson County to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and

those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 5. That any surplus remaining in any appropriation herein made from the General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 6. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. From the amounts received by the State of Alabama during the period October 1, 1980, through September 30, 1981, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress and any interest earned by the State thereon there is hereby appropriated the following:

1. Transfer to the State General Fund  
For State Employees Salary Increases ..... 9,000,000

In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation shall be reduced on a pro rata basis.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase or agreement made prior to September 30, 1980 for such items, unless approved or reapproved on or after October 1, 1980 by the Director of Finance.

Section 9. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by any governor, department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 10. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portion thereof hereby made not in and of itself unconstitutional or invalid.

Section 11. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 12. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 13. That this Act shall become effective October 1, 1980.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Pearson, the Senate non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 533, the title of which and said Conference Report are set out in the foregoing Message from the House, and requested that the present Conference Committee be discharged and a new Conference Committee appointed.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Pearson
Barron	Gulledge	Little	Proctor
Britnell	Hall	Martin	St. John
Callahan	Harrison	McDonald	Smith
deGraffenried	Holmes	Miller	Taylor
Denton	Keener	Mitchem	Vacca
Glass	Kirkland	Parsons	—26

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as conferees on part of the Senate Messrs. Pearson, St. John and Teague.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 36. To be known as "Alabama Banking Code", revising the laws of Alabama in Title 5 of the Code of Alabama 1975 providing for: general provisions; the State Banking Department; examination and reports of banks; retention of bank records; organization and operation of banks; directors, officers and employees of banks; bank merger, consolidation or conversion; liquidation of banks; reorganization of banks; bank emergencies and compliance with federal laws; regulation of trust business of banks and trust companies; administration of common trust funds; repealing numerous specific code sections and statutes that conflict herewith as well as all other laws that conflict with this act.

JOHN W. PEMBERTON,  
Clerk.

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SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

SPECIAL ORDER

BILLS ON THIRD READING RESUMED

The Senate proceeded to consideration of the special, paramount, and continuing order of business for today, the first of which was the Bill:

H. 242. To provide for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees.

And said Bill, H. B. 242, was read a third time at length and passed.

Yeas 22: Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Higginbotham	Martin	Taylor
Cook	Holmes	McDonald	Teague
deGraffenried	Keener	Miller	White
Denton	Kirkland	Mitchem	—22

*Nays:* —0

MESSAGE FROM THE GOVERNOR

May 19, 1980

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am requesting that the Message regarding the appointment of Mr. Ed Ragland to the Alabama A & M University Board of Trustees be returned to the Governor's Office today.

Thank you for your help in this matter.

Respectfully,  
FOB JAMES,  
Governor.

GOVERNOR'S MESSAGE

On motion of Mr. McDonald, the Senate acceded to the request of His Excellency, the Governor, for the return to the Governor of the Message appointing Mr. Ed Ragland to the Board of Trustees of Alabama A&M University, and the Secretary was directed to recall said Message from the Standing Committee on Rules and return it to the Governor.

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Governor's appointment and ordered same returned to the Senate with a favorable report, to-wit:

Appointment of Mr. John A. Counts to the University of South Alabama Board of Trustees.

On motion of Mr. McDonald, the appointment of Mr. Counts was confirmed by the Senate.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Hall	McDonald	St. John	
Barron	Higginbotham	Miller	Smith	
Callahan	Holmes	Mitchem	Teague	
deGraffenried	Keener	Parsons	Vacca	
Denton	Kirkland	Robertson	Weeks	
Goodwin	Little			—21

*Nays:* —0

## BILLS ON THIRD READING RESUMED

The Bill:

H. 243. To amend Section 41-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Martin	St. John	
Bailey	Hall	McDonald	Smith	
Barron	Higginbotham	Miller	Taylor	
Callahan	Holmes	Mitchem	Teague	
Cook	Keener	Parsons	Weeks	
deGraffenried	Kirkland	Robertson	White	
Denton	Little			—25

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 622. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other



territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide that nothing herein contained shall amend, alter or rearrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owned by the Shelby County Board of Education.

Also:

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

The Bill:

H. 173. To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts; to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

was taken up.

Mr. Kirkland offered the following substitute for the Bill, H. B. 173, to-wit:

### SENATE SUBSTITUTE FOR H. B. 173

#### A BILL TO BE ENTITLED AN ACT

To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts; to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-19-171, Code of Alabama 1975, is amended to read as follows:

"Section 12-19-171. Amount of docket fees in juvenile and criminal cases in circuit and district courts generally; witness fees; fee for service of witness subpoenas.

(a) The following docket fees shall be collected for juvenile and criminal cases in the district court and the circuit court:

## (1) District court:

- (a) Non moving traffic violation and alias writ arising therefrom ..... 5.00
  - a. Traffic infraction ..... \$22.50
  - b. Execution of alias writ ..... 5.00
  - c. Misdemeanor ..... 35.00
  - d. Felony guilty plea ..... 77.00
  - e. Preliminary hearing ..... 10.00
  - f. Bond forfeiture ..... 15.00

## (2) Circuit court;

- a. Non moving traffic violation and Execution of alias writ arising therefrom ..... \$15.00
- b. Misdemeanor ..... 35.00
- c. Felony ..... 77.00
- d. Bond forfeiture ..... 15.00

(3) Docket fees for cases in the juvenile division of the district court or circuit court shall be assessed at \$25.00 to be distributed as docket fees for civil cases in the district court, except that the portion of the docket fee allocated to the state general fund shall be \$13.00 and \$5.00 shall be allocated to the district attorney's fund. Uncollected court costs in juvenile cases may not be assessed as charges against the county.

(b) Witness fees shall be collected and distributed pursuant to law. Witness fees shall be in addition to docket fees.

(c) A fee of \$200 shall be collected for service and return of each witness subpoena. Witness subpoena fees shall be in addition to docket fees."

Section 2. Section 12-19-172, Code of Alabama 1975, is amended to read as follows:

"Section 12-19-172. Amounts of docket fees in municipal ordinance cases in circuit and district courts.

(a) The following docket fees shall be collected for municipal ordinance cases in the district court:

- (1) Non-moving traffic violations and alias writ arising therefrom ..... \$ 5.00
- (2) (1) Moving Traffic violations infraction ..... \$22.50
- (2) Execution of alias writ ..... 5.00
- (3) Other ordinance violations ..... 35.00
- (4) Bond forfeiture ..... 15.00

(b) On appeals de novo to the circuit court, the docket fees in municipal ordinance cases shall be the same as those collected for misdemeanor cases."

Section 3. Section 12-19-179, Code of Alabama 1975, is amended to read as follows:

"Section 12-19-179. Same—traffic violations infractions in district court.

(a) The following distribution shall be made of docket fees for moving traffic violations infractions in district court: \$1.00 to the police officers' annuity fund; \$2.00 to the fair trial tax fund; \$1.00 to the driver education fund; \$8.00 to the state general fund; \$3.00 to the county general fund; an arrest fee of \$5.00 to the state general fund or the state funds prescribed by law; except, that the arrest fee shall be paid into the county general fund in cases initiated by county law enforcement officers; and, as provided by law, \$2.50 to the district attorney fund or to the fund prescribed by law for district attorney fees.

(b) Docket Fees for non-moving traffic violations execution of alias writs from circuit and district courts shall be paid distributed as follows: writs issuing from district court, \$2.00 to the county general fund and \$3.00 to the state general fund; writs issuing from circuit court, \$5.00 to the county general fund and \$10.00 to the state general fund.

Section 4. Section 32-5-313, Code of Alabama 1975 is amended to read as follows:

"Section 32-5-313. Additional penalty for moving traffic violation infraction; driver education and training fund.

In addition to all other fines, fees, costs and punishments now prescribed by law there shall be imposed or assessed an additional penalty of \$1.00 upon the driver of any motor vehicle upon his conviction by any judge in any court of the state of any offense involving a moving traffic violation infraction; or upon conviction of a moving traffic violation infraction prescribed by any county or municipal ordinance.

All penalties collected under this section shall be forwarded by the officer of the court who collects the same to the state treasurer, within 30 days after the penalty or forfeiture is collected. All amounts so received shall be credited to a special fund to be designated the "driver education and training fund," and an amount equal to 90 percent thereof is hereby appropriated to the state department of education for the sole purpose of instituting and conducting a program of prelicensing driver education and training; the remaining 10 percent is hereby appropriated to the state safety coordinating committee for payment of administrative expenses incurred in its program.

For the purposes of this section, the term "moving traffic violation" shall mean any offense which can occur only if the motor vehicle is in motion."

Section 5. Section 36-21-67, Code of Alabama 1975, is amended to read as follows:

"Section 36-21-67. Imposition of additional court costs in certain criminal and quasi-criminal proceedings; remittance of proceeds to executive director of Alabama peace officers annuity and benefit fund.

In all criminal and quasi-criminal proceedings for the violation of laws of the state or municipal ordinances including violations of the state conservation laws or regulations which are tried in any court or tribunal in this state, wherein the defendant is adjudged guilty or pleads guilty or wherein a bond is forfeited and the result of the forfeiture is a final disposition of the

case or wherein a bond is forfeited and the result of the forfeiture is a final disposition of the case or wherein any penalty is imposed, there is hereby imposed an additional cost of court in the amount of \$1.00 for each moving traffic violation infraction, \$5.00 in each such proceeding where the offense constitutes a misdemeanor and/or a violation of a municipal ordinance other than moving traffic violations infractions and \$10.00 in each such proceeding where the offense constitutes a felony; provided, however, that there shall be no additional costs imposed for violations relating to parking of vehicles.

The amount of all such costs shall be remitted by the person or authority collecting the same to the executive director of the Alabama peace officers annuity and benefit fund on the tenth day of each month next succeeding that in which the cost is paid. It shall be the duty of the clerk or other authority collecting the said court costs to keep accurate records of the amounts due to the board for the benefit of the fund under this section."

Section 6. All laws and parts of laws in conflict herewith are hereby repealed.

Section 7. The provisions of this Act are severable. If any part this Act is declared invalid or unconstitutional such declaration shall not affect the part which remains.

Section 8. This Act shall become effective on the first day of the next month following passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Callahan, said substitute was laid on the table.

Yeas 14; Nays 5.

*Yeas:*

Messrs.:	Hall	Miller	Taylor	
Bailey	Lemaster	Mitchem	Vacca	
Callahan	Little	St. John	White	
Goodwin	Martin	Smith		—14

*Nays:* Messrs.: Denton, Keener, Kirkland, McDonald, Teague. —5

And said Bill, H. B. 173, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Robertson	
Bailey	Holmes	McDonald	Smith	
Barron	Keener	Miller	Taylor	
deGraffenried	Kirkland	Mitchem	Weeks	
Denton	Lemaster	Parsons	White	
Goodwin	Little			—21

*Nays:* —0

## REPORT OF COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 193. To amend Sections 25-8-2, 25-8-4, 25-8-5, 25-8-9, 25-8-11, 25-8-14, 25-8-16, 25-8-18, 25-8-23, 25-8-26, 25-8-28, and 25-8-30 of the Code of Alabama 1975, relating to the child labor law, so as to regulate further the employment of certain children and to prescribe additional penalties for violations.

Also:

S. 553. To provide further for certain funds of the state treasury; to provide further for surpluses in certain trust funds within the state treasury; to exempt other trust funds; to transfer such surplus funds undesignated, uncommitted, unencumbered and unappropriated, to the state parks fund of the state treasury for the purpose of emergency-crisis use in repairing the facilities at Gulf State Park damaged by Hurricane Frederic; to provide how such transfers shall be made; and to provide for the replacement of such funds so transferred upon receipt of funds from the Federal Emergency Management Agency.

Also:

S. J. R. 213. CONDEMNING THE USE OF PRISON FACILITIES IN TALLADEGA, ALABAMA, FOR THE HOUSING OF THOSE CUBAN REFUGEES WHO HAVE FAILED TO PASS SECURITY SCREENING BY THE FBI AND CIA.

Also:

S. J. R. 216. CREATING THE TUSCALOOSA COUNTY ELECTED AND APPOINTED OFFICIALS SALARY COMMISSION.

Also:

S. 73. To prevent any employer from discharging any employee solely because he serves on any jury empanelled under any state or federal statute; prescribing a cause of action for any employee who is so discharged and providing for both actual and punitive damages.

Also:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 802, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 802

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

Be It Enacted by the Legislature of Alabama:

Section 1. The compensation of all juvenile probation officers in the Juvenile Court in Tuscaloosa County shall not be less than the compensation of a parole and probation supervisor in the State Board of Pardons and Paroles with comparable years of service and comparable rank and position. The schedule of compensation for such employees shall be as follows:

RANK	COMPENSATION
Chief Probation Officer and/or Director of Juvenile Court Services	Shall be comparable to Parole and Probation Executive
Juvenile Probation Officer III	Shall be comparable to Parole and Probation Supervisor III
Juvenile Probation Officer II	Shall be comparable to Parole and Probation Supervisor II
Juvenile Probation Officer I	Shall be comparable to Parole and Probation Supervisor I

Section 2. The compensation provided for by this Act shall be paid from any funds available to the governing body of Tuscaloosa County.

Section 3. Any person seeking to receive the benefits of this Act must first be certified, and must thereafter continue to be certified, by the Alabama Department of Youth Services.

Section 4. Any laws or parts of law in conflict with the provisions of this Act are hereby repealed.

Section 5. The provisions of this Act are severable. If any part of this Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. This Act shall become effective October 1, 1980.

Which was adopted.

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Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Lemaster	Proctor	White
deGraffenried	Little		

—25

*Nays:* —0

And said Bill, H. B. 802, as thus amended by the substitute, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Lemaster	Proctor	White
deGraffenried	Little		

—25

*Nays:* —0

The Bill:

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, *Lespedeza bicolor* and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

was taken up.

On motion of Mr. McDonald, further consideration of the Bill, H. B. 170, was postponed temporarily.

RESOLUTION

Messrs. Little, Higginbotham and Miller offered the following Senate Joint Resolution, to-wit:

S. J. R. 226. COMMENDING MR. CHARLES MACK STOKES UPON HIS RETIREMENT FROM AUBURN UNIVERSITY'S DEPARTMENT OF AGRICULTURAL ENGINEERING.

WHEREAS, The Alabama Legislature has noted the recent retirement of Mr. Charles Mack Stokes from Auburn University's Agricultural Experiment Station following 33 dedicated years of service with the Department of Agricultural Engineering; and

WHEREAS, a native of Elba in Coffee County, Mr. Stokes is a graduate of Auburn with a B.S. Degree awarded in 1937 and his M.S. Degree in 1941; his first service with the University was as a graduate assistant followed by employment with the Cooperative Extension Service until 1941, at which time he was commissioned as a First Lieutenant in the United States Army, serving until 1946, primarily with the Corps of Engineers in the South Pacific during World War II; and

WHEREAS, as a member of the Army Reserves and as a Commander of a National Guard Unit in Auburn, he served some 37 years in our nation's armed forces, retiring as a full Colonel from the U. S. Army Reserves; and

WHEREAS, upon resumption of his association with Auburn University, Mr. Stokes was with the extension service until 1947, at which time he joined the Agricultural Engineering Department as a researcher and engineer, remaining until retirement; and

WHEREAS, he is an active member of the American Society of Agricultural Engineers, Gamma Sigma Delta, the American Legion, the V.F.W., and the Kiwanis Club; and

WHEREAS, he will be remembered by all who know him as an ingenious source of innovation in the production and harvesting of peanuts; now therefore,

BE IT RESOLVED BY BOTH HOUSES OF THE ALABAMA LEGISLATURE, that we extend our heartfelt best wishes to Charlie Mack Stokes in all future endeavors.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Charlie Mack Stokes, to his wife, Mary Frances Stokes, and to his children, Mack, George, Dan, Mary Anne and Joe in order that they may know of our appreciation of him for his many years of service in the field of agriculture.

On motion of Mr. Little, the Rules were suspended and the Resolution was adopted by the Senate.

#### BILLS ON THIRD READING RESUMED

The Bill:

H. 598. To provide for the specific exclusion of certain classes of cost items from the reimbursement methodology used by the Alabama Medicaid Program in reimbursing certain classes of medical service providers. Specifically affected shall be non profit medical facilities and/or medical facilities wholly or partially constructed and equipped using federal, state, or county funds. Also excluded for these classes shall be allowances for depreciation on facilities and equipment, and allowances for a return on assets.

was taken up.

Mr. deGraffenried offered the following amendment to the Bill, H. B. 598, to-wit:

#### SENATE AMENDMENT TO H. B. 598

Amend H. B. 598, Section 1, Line 34, after the word "funds", by adding the words "to the extent that these costs are above the total free care given by the hospital."

Mr. White moved that the amendment be laid on the table, which motion was lost.



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Yeas 10; Nays 12.

*Yeas:*

Messrs.:	Goodwin	McDonald	Taylor
Bailey	Gulledge	Miller	White
Cook	Martin	Robertson	

—10

*Nays:*

Messrs.:	Denton	Harrison	Little
Britnell	Glass	Keener	Parsons
Callahan	Hall	Lemaster	Smith
deGraffenried			

—12

And said amendment was then adopted by the Senate.

Yeas 19; Nays 2.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor
Bailey	Glass	Little	Robertson
Britnell	Hall	McDonald	St. John
Callahan	Harrison	Miller	Smith
deGraffenried	Keener	Parsons	Teague

—19

*Nays:* Messrs.: Taylor, White. —2

Mr. Smith moved that further consideration of the Bill, H. B. .598, as amended, be postponed temporarily.

On motion of Mr. White, the motion to postpone was laid on the table.

Yeas 15; Nays 6.

*Yeas:*

Messrs.:	Higginbotham	Martin	Taylor
Barron	Holmes	McDonald	Vacca
Cook	Keener	Miller	Weeks
Goodwin	Kirkland	Robertson	White

—15

*Nays:* Messrs.: Bailey, deGraffenried, Hall, Callahan, Denton, Smith. —6

MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a new Committee on Conference on the disagreement of the two Houses on the Bill:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

and has discharged the House conferees.

And the Speaker of the House has appointed as a new Committee on the part of the House Messrs. Owens, Pegues and Dial.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has acceded to the request of the Senate for a new Committee on Conference on the disagreement of the two Houses on the Bill:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

and has discharged the House conferees.

And the Speaker of the House has appointed as a new Committee on the part of the House Messrs. Owens, Pegues and Dial.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 542. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 1144. To amend further Section 1 of Act No. 440, S. 186, Special Session 1966 (Acts 1966, p. 597) relating to the Sheriff's Department and counties having populations of not less than 300,000 nor more than 500,000.

Also:

H. J. R. 337. HONORING MAYOR MAURICE WEST OF GRAYS-VILLE, ALABAMA FOR HIS DEDICATED SERVICE TO THE CITY.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a

quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 390. To provide a supplemental salary for the elected deputy circuit clerk serving the Bessemer Cut-Off Division of the Tenth Judicial Circuit.

Also:

H. 520. Relating to Jefferson County; permitting qualified organizations to operate bingo games within the county; providing for the regulation, permit granting and revocation and supervision of such bingo games; providing for a tax exemption; providing for penalties; providing for a referendum of the voters of this county on the question of whether the act will become effective in the county unless the voters thereof approve the constitutional amendment; and providing that the act shall become effective upon the adoption of an amendment to the Constitution of Alabama empowering the Legislature to authorize bingo within Jefferson County.

Also:

H. 755. Relating to Jefferson County; providing that any conveyance of property required to be recorded in the office of the probate judge must include the name and address of the person to receive the tax notice.

Also:

H. 1063. Relating to Baldwin County; levying an additional privilege, license, or excise tax on the sale, distribution, storage, use, or other consumption of cigarettes in the County; providing for the assessment, collection, and distribution of the proceeds of the tax, and of the adoption and promulgation of rules and regulations therefor by the governing body of said County; defining violations of the Act, and prescribing penalties therefor.

Also:

H. 1108. Relating to Tuscaloosa County to amend Sections 2, 18, 23, 25, and 29, of Act No. 328, H. 854 (Acts 1959, p. 907, Vol. 2), as last amended, which bill relates to the Firemen's and Policemen's Pension and Relief Fund for the City of Tuscaloosa, Alabama, fixing maximum benefits for firemen or policemen retiring for disability arising as a result of service in the department, fixing maximum benefits to be paid to dependents of members, increasing the limitation on the amount of pension benefits to be paid under the act, providing for the manner of determining the pension and providing that no pension presently being paid shall be decreased by the provisions of this act, and defining the term "salary". Further, to repeal Section 27 of Act 328, H. 854 (Acts 1959, p. 907, Vol. 2) so as to delete the provision that pensions shall increase or decrease in accordance with the increase or decrease of salaries of active members of the department.

Also:

H. J. R. 327. MOURNING THE DEATH OF MRS. JENNIE ELIZABETH PEMBERTON.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

### RESOLUTION

Messrs. Weeks and Teague offered the following Senate Joint Resolution, to-wit:

S. J. R. 227. COMMENDING TROY STATE UNIVERSITY GOLF TEAM.

WHEREAS, the Troy State University Golf Team captured the Gulf South Conference Championship by a record 65 strokes over its nearest competitor; and

WHEREAS, as testament to the superior quality of these golfers, all six team members were named to the prestigious all conference squad; and

WHEREAS, these men of Troy are not merely shooting par when it comes to winning championships; as T.S.U. has previously won two N.C.A.A. Division II National Golf Championships in 1976 and 1977; and

WHEREAS, Coach Mike Griffin's linksmen will be seeking their third national title on May 20-23 in Houma, Louisiana; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we heartily congratulate the Troy State University Golf Team on its victorious season and wish them the best of luck in their national competition.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to President Ralph W. Adams, to Athletic Director Robert Earl Stewart and to Coach Griffin, so they may know of our admiration and praise.

On motion of Mr. Weeks, the Rules were suspended and the Resolution was adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 512. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays and providing for bank closings on certain holidays so as to change the date on which state banks may be closed in observance of National Memorial Day.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 1. To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 225. MOURNING THE DEATH OF LEE COUNTY SHERIFF JAMES PEARSON, JR.

JOHN W. PEMBERTON,  
Clerk.

FURTHER CONSIDERATION OF H. B. 598

The Senate proceeded to further consideration of the Bill, H. B. 598, as amended.

And said Bill, H. B. 598, as amended, was read a third time at length and passed.

Yeas 18; Nays 7.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Mitchem	
Barron	Harrison	Lemaster	Robertson	
Cook	Higginbotham	Little	Taylor	
Glass	Holmes	Martin	White	
Goodwin	Keener	McDonald		—18

*Nays:*

Messrs.:	deGraffenried	Hall	Proctor	
Bailey	Denton	Parsons	Smith	—7

### BILLS ON THIRD READING RESUMED

The Bill:

H. 597. To establish a ceiling on reimbursement for inpatient hospital services provided under the Alabama Medicaid Program at the eightieth percentile of per diem cost rates established for inpatient hospital services. was taken up.

Mr. White offered the following amendment to the Bill, H. B. 597, to-wit:

#### AMENDMENT TO H. B. 597

Amend H. 597 as follows:

On page one in lines 13 and 21, delete the period and insert in lieu thereof a semi-colon and add the words:

and to make certain exemptions.

On page two, after line 10, Section 5, add the following new sections:

Section 6. Any children's hospital or any medical facility or institution for children shall be excluded from the provisions of this act.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this Act are hereby repealed.

On page two, in line 11, delete the 6 and insert in lieu thereof the number 9

Which was adopted.

Yeas 16; Nays 7.

*Yeas:*

Messrs.:	Hall	Miller	Smith	
Callahan	Harrison	Mitchem	Taylor	
Cook	Higginbotham	Parsons	Weeks	
Glass	Little	Robertson	White	
Goodwin				—16

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*Nays:*

Messrs.:	deGraffenried	Holmes	Lemaster
Bailey	Denton	Keener	St. John

—7

Mr. deGraffenried offered the following amendment to the Bill, H. B. 597, as amended, to-wit:

AMENDMENT TO H. B. 597

Amend H. B. 597, Section 2, Line 30, after the word "agency," by adding the words, "it is the intent of this legislature that the State Medicaid Agency exclude from the actual costs those costs related to special care units such as neo-natal units, open heart units, and graduate medical education programs, and the eightieth percentile limitation is to be calculated prior to removal of the above exclusions."

Which was adopted.

Yeas 20; Nays 2.

*Yeas:*

Messrs.:	Denton	Little	St. John
Bailey	Goodwin	Miller	Smith
Britnell	Hall	Mitchem	Taylor
Callahan	Keener	Parsons	Vacca
Cook	Kirkland	Robertson	Weeks
deGraffenried			

—20

*Nays:* Messrs.: Holmes, White.

—2

Mr. Smith offered the following amendment to the Bill, H. B. 597, as amended, to-wit:

AMENDMENT TO H. B. 597

Amend House Bill No. 597 Page 1 Line 11 and 20, by striking out eightieth and insert eighty-five and on Line 4, Page 2 strike out eightieth and insert eighty-five

Which was adopted.

Yeas 21; Nays 3.

*Yeas:*

Messrs.:	Hall	Little	Robertson
Bailey	Higginbotham	McDonald	St. John
Britnell	Holmes	Miller	Smith
Cook	Keener	Mitchem	Teague
deGraffenried	Kirkland	Parsons	Weeks
Denton	Lemaster		

—21

*Nays:* Messrs.: Barron Taylor, White.

—3

And said Bill, H. B. 597, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 3.

*Yeas:*

Messrs.:	Hall	Lemaster	Pearson	
Barron	Harrison	Little	Robertson	
Britnell	Higginbotham	Martin	Smith	
Callahan	Holmes	McDonald	Taylor	
Cook	Keener	Mitchem	Weeks	
Glass	Kirkland	Parsons	White	
Gulledge				—24

Nays: Messrs.: Bailey, deGraffenried, Denton.	—3
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The Bill:

H. 356. To prohibit the release of tame turkeys, or any other type of turkeys, into the wild areas of this State; to provide for certain exceptions; and to provide penalties for violation of this act.

was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Glass	Lemaster	Parsons	
Bailey	Goodwin	Little	St. John	
Barron	Hall	Martin	Taylor	
Britnell	Harrison	McDonald	Teague	
Callahan	Higginbotham	Miller	Weeks	
Cook	Kirkland	Mitchem	White	
Denton				—24

Nays:	—0
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Mr. Parsons moved that the Senate reconsider the vote by which the Bill, H. B. 356, was passed.

On motion of Mr. Cook, the motion to reconsider was laid on the table.

The Bill:

H. 189. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10, and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

was read a third time at length and passed.



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Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Robertson
Bailey	Higginbotham	McDonald	Smith
Barron	Kirkland	Miller	Taylor
Cook	Lemaster	Mitchem	Vacca
Goodwin	Little	Parsons	Weeks
Gulledge			—20

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of the act.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE ON H. 1141

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 1141, have met, considered the matter, and agreed to the following report.

Conference Committee Substitute to House Bill 1141 is attached.

ROBERT E. "BOB" PATTON,  
STEVE COOLEY,  
TOMMY ED ROBERTS,  
Conferees of the House.  
CHARLES B. MARTIN,  
FINIS E. ST. JOHN, III,  
JOHN TEAGUE,  
Conferees of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE  
FOR H. B. 1141

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of this act.

Be It Enacted by the Legislature of Alabama:

Section 1. In Morgan County, all funds generated by a statewide wholesale or retail gasoline tax which H. B. 287 of the 1980 Regular Session, becomes, and distributed pursuant to the provisions of the act which H. B. 287 of the 1980 Regular Session becomes, shall be paid into the county treasury and a separate accounting thereof shall be kept.

Section 2. The funds received by Morgan County pursuant to said act shall be allocated as follows:

(a) Thirty percent of the amount so allocated or apportioned to the county shall be distributed among the municipalities in the county with respect to which the allocation or apportionment is made, each such distribution among the said municipalities to be on the basis of the ratio of the population of each such municipality to the total population of all municipalities in the county according to the 1970 or any subsequent federal decennial census; and

(b) The remaining portion of the amount so allocated or apportioned to each county shall be distributed to the county with respect to which such allocation or apportionment is made.

The distributions provided for in this section shall be made monthly.

Section 3. The provisions of this act shall not be construed to apply to any funds received from any highway gasoline tax levied pursuant to the provisions of any act or law, except as provided in Section 1 of this act. If the provisions of the act which H. B. 287 becomes are not enacted into legislation, or become null and void, the provisions of this act shall have no force and effect.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws which conflict with this act are hereby repealed.

Section 6. The provisions of this act shall become effective on the first day of August, 1980, and shall remain in full force and effect for a period of forty-eight months, expiring on July 31, 1984.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Martin, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1141, the title of which and said Conference Report are set out in the foregoing Message from the House.

REGULAR SESSION  
30th Day

2171

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

BILLS ON THIRD READING RESUMED

The Bill:

H. 813. To amend Act No. 247 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, Vol. I, pp. 585-586) providing for a Telephone Revolving Fund in the Department of Finance, Division of Service, to be used to pay for the expenses of administering, maintaining and operating the State Central Telephone System in the City of Montgomery and the Alabama Centralized Telecommunications System in the State of Alabama and providing that each State department, board, bureau, commission, agency and institution using the aforesaid telephone systems shall pay its pro rata share of the aforesaid expenses.

was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Smith
Bailey	Hall	McDonald	Taylor
Barron	Higginbotham	Miller	Vacca
Callahan	Holmes	Mitchem	Weeks
Cook	Lemaster	Parsons	White
Goodwin	Little		

—21

*Nays:* —0

The Bill:

H. 814. To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Act 1957, Vol. II, PP. 797-798) to authorize the Department of Finance, Division of Service Mail and Supply Room Revolving Fund to be used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Cook	Denton	Hall
Callahan	deGraffenried	Glass	Harrison

Higginbotham	Martin	St. John	Vacca	
Kirkland	McDonald	Smith	Weeks	
Lemaster	Miller	Taylor	White	
Little	Mitchem			—21
<i>Nays:</i>				—0

## The Bill:

H. 88. This bill amends Section 22-9-8, Code of Alabama, 1975, to increase fees for certified copies of vital statistics records and for presumptive or special searches of the files for various information.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	St. John	
Bailey	Goodwin	Kirkland	Smith	
Barron	Gulledge	Little	Taylor	
Britnell	Hall	Martin	Teague	
Callahan	Harrison	Mitchem	Vacca	
Cook	Higginbotham	Parsons	White	
deGraffenried	Holmes			—25
<i>Nays:</i>				—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their

properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

And request a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Messrs. Starkey, Clark (G) and Boles.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Denton, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 925, the title of which is set out in the foregoing Message from the House.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	St. John
Bailey	Hall	Martin	Smith
Barron	Harrison	McDonald	Taylor
Britnell	Higginbotham	Miller	Teague
Cook	Holmes	Parsons	Vacca
deGraffenried	Keener	Proctor	Weeks
Denton	Kirkland	Robertson	White
Figures			—28

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Denton, Callahan and Keener.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 555. To authorize and make provision for any municipality or county or any department, board, bureau, commission or agency of any municipality or county whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality or county, to apply for, accept and receive, expend or apply the proceeds, of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality or county and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness,

which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or county or such municipal public corporation under authority of laws other than this act.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or credit leases, any financial institution operating in Alabama or any individual may charge and collect an interest surcharge; and to provide for an alternative maximum allowable interest rate or finance charge to be determined by the prime rate charged by certain banks; to provide for open-end credit plans; and to provide for the termination of the provisions of this act.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE GOVERNOR

To The Senate  
State Capitol  
Montgomery, Alabama 36130  
Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 210 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To The Senate  
State Capitol  
Montgomery, Alabama 36130  
Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 210 without my signature and approval and with the following suggested Executive Amendment.

In Section 1 on page 2, line 22 after the figures "§ 11-3-4", insert the following:

"(a)

Further amend said Bill in Section 1 on page 3 after line 14 by inserting the following:

"(b) All expense and/or travel allowance payable to a county commissioner as provided by any local law or general law of local application existing on the effective date of this subsection shall be from that date deemed to constitute salary compensation for all purposes and the same shall continue to be paid thereafter as salary compensation. Provided however, such expense and/or travel allowance for any incumbent commissioner shall, at the election of such commissioner, not be deemed salary compensation but shall continue to be deemed expense and/or travel allowance until such time as that commissioner shall vacate office and shall thereafter be deemed to constitute salary compensation. Such election shall be in writing; filed with the county commission to which such commissioner has been elected no later than 30 days prior to the commencement of that commissioner's next term of office; and spread upon the minutes of such county commission. Provided further, travel reimbursement based on number of miles traveled and/or actual expenses incurred shall not be deemed to constitute salary compensation under the provisions of this subsection.

Further amend said Bill in Section 1 on page 4 after line 36, by inserting the following:

claims of state witnesses, he must apply such surplus to the payment of the claims of officers of court in the order of their registration. All local laws in conflict herewith are hereby expressly repealed.

(e) To endorse, upon the registration of a claim, the number and date of registration and sign his name thereto.

(f) To give a receipt when a claim is received in payment of a debt due the county, showing a description of the claim and the name of the person and character of the debt on whose account the claim was received.

(g) To make a receipt on the payment of any claim and when a claim of any character is paid or received by him, he must cancel the same by defacing or mutilating it so as to show that it is of no further value and, if registered, write upon the register against the claim the word "paid" and the date of such payment.

(h) To keep a correct account of the receipts and disbursements of all money received by him for the county, according to the forms prescribed in this section, charging himself with all moneys so received, from whom, on what account and the amount and crediting himself with all payments, stating the number and character of the claim, in whose favor and the amount.

"(2) To examine the dockets of the circuit courts and sheriff semi-annually, to demand and receive all moneys due to the county and to institute proceedings against defaulters.

"(3) To submit to the county commission at the first term in October of each year the register of claims, his account for the year balanced, vouchers for the payments, and an estimate of the indebtedness of the county for the coming year and the means of providing for the same.

"(4) To make reports and give information to the county commission, when required, respecting all matters relating to the finances of the county.

"(5) To furnish the probate judge chairman of the county commission in October of each year a verified statement of all moneys received by him for"

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

### GOVERNOR'S MESSAGE

On motion of Mr. Teague, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. B. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
deGraffenried	Holmes	Mitchem	Vacca
Denton	Keener	Parsons	Weeks
Figures	Lemaster	Robertson	White
Glass			

—28

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 210, as thus amended by the Executive amendment, was again read at length and passed, by a vote of



REGULAR SESSION  
30th Day

2177

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
deGraffenried	Higginbotham	Mitchem	Vacca
Figures	Keener	Robertson	White
Glass	Kirkland		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 367. To prescribe that the willful or malicious or intentional burning or setting fire to, or the causing of such burning or setting such fire to any forest, grass or woodland not owned or in the possession of the person doing or causing such actions is a Class C felony; and to prescribe penalties therefor.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 367, the title of which is set out in the foregoing Message from the House , to-wit:

HOUSE SUBSTITUTE FOR S. B. 367

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 9-13-11 of the Code of Alabama 1975, relating to the forest fire protection so as to provide for the requirement of obtaining burning permits before setting a controlled fire; to provide for revoking such permits; and to provide further for criminal penalties for violations.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 9-13-11 of the Code of Alabama 1975 is hereby amended to read as follows;

"9-13-11. (a) It shall be a Class C Felony for Every every person, firm association or corporation who. "(1) willfully, maliciously or intentionally burns, sets fire to, or causes to be burned or any fire to be set to any forest, grass, woodlands, or other inflammable vegetation on any lands not owned, leased, controlled, of in the lawful possession of the person, fire, association or corporation setting such fire or burning such lands or causing such fire to be set or lands to be burned; every person, firm, aassociation or corporation who willfully, maliciously or wantonly;

"(2) shall have in his possession or shall set throw or place any device, instrument or paraphernalia in or adjacent to any forest, grass, woodlands or other inflammable vegetation, which forest, grass, woodland or other inflammable vegetation is not owned, leased, controlled or in the lawful possession of the person possessing such device, instrument or paraphernalia;

"(b) It shall be a Class B misdemeanor for any person, firm, association or corporation:

"(1) who allows a fire to escape from land owned, leased or controlled by him, whereby any property of another is injured or destroyed;

"(2) who shall burn any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort, whether on one's own land or that of another, without taking reasonably necessary precautions, both before lighting the fire and all times thereafter to prevent the escape thereof; any person, firm, association or corporation;

"(3) who shall set fire to any brush, stumps, logs, rubbish, fallen timber, grass, stubble or debris of any sort within or near any forest or woodland, unless the area surrounding said material to be burned shall be cleared of all inflammable material for a reasonably safe distance in all directions and maintained free of all inflammable material so long as such fire shall continue to burn; any person, firm, association or corporation;

"(4) who shall set a fire within or near any forest, woodland or grass land without clearing the ground immediately around it free from material which will carry fire, or shall leave such fire before it is totally extinguished or start a fire in any forest, woodland or grassland by throwing away a lighted cigar, cigarette, match or by the use of firearms or in any other manner and leave the same unextinguished; any person, firm, association or corporation;

"(5) who shall destroy, remove, injure or deface any fire warning or notices or deface any inscription or devices comprising such notices; and any person, firm, association or corporation;

"(6) who shall burn any new ground, field, grasslands, or woodlands, adjoining woodlands or grasslands of another within any area which has been placed under organized forest fire protection by the state forestry commission without first obtaining verbal authorization from the state forestry commission by obtaining a burning permit number or any other agency without first reporting to the protection agency time he intends to burn said land and location of the same shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$10.00 nor more than \$1,000.00, and may also be imprisoned in the county jail or sentenced to hard labor for not less than 10 days nor more than 12 months.

"(c) (1) Burning permits may be obtained from the district operations center when the center is in active operation. The following criteria must be met: a. The person requesting the permit must have adequate tools, equipment and manpower to stay with and control the fire during the entire burning period.

b. The person requesting the permit is responsible to keep the fire confined.

c. In no case will the person requesting the permit allow the fire to be unattended until it is dead out.

"(2) Burning permits will be issued if the individual requesting the permit states that the above criteria will be met unless the state forester shall declare a fire alert. Under fire alert conditions the state forester may allow issuance of permits at his discretion, taking into account the number of fires burning in the district, current and projected weather conditions, the ability of the person seeking the permit to contain the fire and that individual's knowledge of fire behavior and other factors which may affect fires and fire behavior. A fire alert will be issued by the state forester for any district or portion of a district that in the opinion of the state forester, has existing conditions which produce extraordinary danger from fire.

"(3) If subsequent to issuance of a permit a lawfully authorized fire escapes to the lands of another and an investigation reveals that the permit holder did not meet all the criteria as set forth above, the fire will be treated as if no legal authorization had been obtained.

"(4) A burning permit once issued may be revoked if the person requesting the permit fails to comply with proper burning procedures or if weather conditions develop which may result in erratic fire behavior.

"(d) An area shall be deemed legally placed under organized forest fire protection by the state forestry commission of the state of Alabama upon proclamation of the state forester. Such proclamation shall describe the lands placed in said area and shall be published once a week for two consecutive weeks in a newspaper published in the county where the lands composing said area are located. If there are no newspapers published in the county where said lands are located, then said proclamation shall be published in a newspaper of an adjoining county. In the event the lands composing said area are located in more than one county, such proclamation shall be so published in a newspaper in each county where said lands are located. Beginning with the twelfth day after the first publication of said proclamation in said newspaper or newspapers, the lands described in the proclamation shall be deemed in an area under organized forest fire protection. Upon the trial of any person, firm or corporation for the violation of any provision of this section, a certified copy of said proclamation executed by the state forester shall be admissible in evidence and shall be conclusive evidence of the fact that the lands described in said proclamation constitute an area under organized forest fire protection within the meaning of this section.

"(c) All moneys collected for any violation of this section as fines, forfeitures, etc., shall go to the Alabama forestry commission fund and shall be used in defraying the expense of the administration of such state forestry commission."

Section 2. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. All laws or parts of laws which conflict with this act are hereby repealed.

Section 4. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 28; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Barron	Gulledge	Lemaster	Smith
Britnell	Hall	Little	Taylor
Callahan	Harrison	Martin	Teague
Cook	Higginbotham	McDonald	Vacca
deGraffenried	Holmes	Miller	Weeks
Figures	Keener	Mitchem	White
Glass			—28

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 173. To amend Sections 12-19-171, 12-19-172, 12-19-179, 32-5-313 and 36-21-67, Code of Alabama 1975, which sections relate to docket fees for traffic violations in circuit, district, and municipal courts; to eliminate the distinction between moving and non-moving traffic violations for docket fee purposes; to further provide a fee for the execution of alias writs; to further provide for a uniform docket fee in juvenile cases and to provide for its distribution; to repeal all laws and parts of laws in conflict herewith and to provide an effective date.

Also:

H. 242. To provide for the establishment of a fee to be collected from the proceeds of all judicial sales; and to provide for the distribution of said fees.

Also:

H. 243. To amend Section 42-13-21, Code of Alabama 1975, which relates to the determination as to which state records are to be preserved, so as to provide further for said determination.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 571. To provide further for a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON  
CONFERENCE ON H. B. 571

We, the Committee on Conference, appointed to reconcile the disagreement between the two houses concerning House Bill 571, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,  
LEIGH PEGUES,  
GERALD DIAL,

Conferees on the part of the House.

J. SMITH,  
FINIS ST. JOHN,  
JOHN A. TEAGUE,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 571

A BILL  
TO BE ENTITLED  
AN ACT

To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

Section 1. Beginning on October 1, 1980, all state employees who are listed in the classified and unclassified service of the state as defined in Section 36-26-10, Code of Alabama 1975, and all other state employees and all hourly employees of the state, except those set out in Section 2 herein, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not, and all circuit clerks and registers and state judges, except as provided in Section 2 herein, and all employees of the county health departments who are employed subject to the state merit system and whose compensation is paid out of a budget provided and agreed upon by the state, county, or other contributing agency under the direction of the state board of health shall receive a 7-1/2% salary increase. Such increase shall include in its base the total increase authorized by Act No. 79-724 of the 1979 Regular Session (Acts 1979, p. 1283). However, any state employee covered under the provisions of this Act, and otherwise eligible for consideration for an annual step increase in salary, shall only be eligible for a maximum step increase in the amount of 2-1/2% at the time of their annual review, which step increase shall be in lieu of any step increase heretofore provided by law. Any cost-of-living increase granted under the provisions of this Act shall in no way apply to any local supplement provided to any judges or any other employee of this state. All such increases shall be in addition to the salary received by such employees. It is the intention of the legislature that the Governor be, and he is hereby authorized to transfer such amounts to, from, and between such departments, boards, bureaus, commissions, agencies, offices, and institutions under his direct control for the purpose of paying the salary increase for state employees and officials.

Section 2. The provisions of this Act shall not apply to any merit system employee or hourly employee whose service or rates or pay are covered by any labor agreement or contract, nor shall this Act apply to state judges whose salaries are payable from the state treasury if such judges' salaries are increased under and by virtue of: (1) The recommendations contained in the Report of the Judicial Compensation Commission to the 1980 Regular Session of the legislature becoming law; or (2) the enactment into law of legislation altering and amending said report; or (3) any other legislation enacted into law during the 1980 Regular Session of the legislature. Provided further, that the provisions of this Act shall not apply to any person covered by Senate Bill 507 of this session of the legislature upon said Senate Bill 507 becoming law.

Section 3. The director of the state personnel department shall revise the schedule of rates set forth in the pay plan for state employees subject to the merit system law to reflect the increase provided and shall certify the same to the state comptroller, who shall issue warrants in accordance therewith. The director of the state personnel department shall also revise the rates of pay for hourly state employees and for legislative personnel, including but not limited to Legislative Reference Service personnel, not subject to the state merit system law to reflect the increases herein provided and the comptroller shall draw his warrants in accordance therewith. With respect to court officials and employees within the Unified Judicial System who serve the trial courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for such court officials and employees to reflect the increase provided herein, and shall certify the same to the state comptroller who shall issue warrants in accordance therewith.

Section 4. Such amounts as may be necessary to pay state employees the increased salaries provided herein are hereby appropriated for the fiscal year beginning October 1, 1980, from such funds as the salaries of the several state employees are paid, or, if there is not sufficient money in such funds, then from the general fund of the state treasury or any revenue sharing funds, such additional sums as may be necessary to pay the salary increases herein provided for such state employees and officials as are subject to the provisions of this Act.

Section 5. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by the governor, or any department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 6. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 7. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

HOUSE AND CONFERENCE MESSAGE

Mr. Harrison moved that the Senate non-concur in the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 571, the title of which and said Conference Report are set out in the foregoing Message from the House.

Mr. Pearson offered a substitute motion that the Senate concur in the Report of the Committee on Conference.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 377. To amend Section 20-2-75 of the Code of Alabama 1975, Alabama's Uniform Controlled Substances Act, so as to change the provisions relating to possession of and transactions in drug related objects; to change the definitions of certain terms; to change the penalties; to prohibit certain activities relating to drug related objects; to provide for defenses; to declare certain instruments, devices, and objects to be contraband; to provide for severability; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; to provide for forfeiture for objects possessed, sold or given away in violation hereof; and for other purposes.

JOHN W. PEMBERTON,  
Clerk.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 882. Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further providing for the salary, term of office, vacancy, bond, and election of said chairman.

was taken up.

The Standing Committee on Local Legislation No. 1 reported the following substitute for the Bill, H. B. 882, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 882

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further providing for the salary, term of office, vacancy, bond, and election of said chairman.

Be It Enacted by the Legislature of Alabama:

Section 1. Upon the condition that the referendum provided in Section 4 of this act is approved, there shall be elected by the qualified electors of Shelby County a fifth county governing body member who shall be the full-time chairman of the Shelby County governing body. Said full-time chairman shall be a qualified elector and resident of the county. Said person shall replace the probate judge as chairman of the Shelby County governing body and shall hold all powers and duties of the chairman as prescribed by Act 179, 1949 Regular Session (Acts of 1949, p. 206).

Section 2. The full-time chairman's salary shall be a sum equal to 5 percent (5%) more than the combined salary and any other remuneration of the probate judge. Said chairman shall post the same bond as other county governing body members. Any vacancies in the chairman position shall be filled in the same manner as other county governing body members' vacancies are filled.

Section 3. The initial election of the full-time chairman shall be at the next general election. The election of the chairman shall be by an at-large vote of the electorate of the county and shall be held in the same manner and at the same time as the election of other county governing body members. The term of office of the full-time chairman shall be for four years, beginning on the first Monday after the second Tuesday in January following his election, and until his successor has been elected and qualified.

Section 4. The provisions of this act shall become operative only if approved by a majority of the electors of Shelby County voting in a referendum to be held at the time of the next county primary election. The county governing body of Shelby County shall order and provide for the holding of the referendum of such date. On the ballots to be used at the election, the question shall be stated substantially as follows: "Should Shelby County have a full-time chairman of the county governing body elected at large to serve as chairman in place of the county probate judge? Yes ( ) No ( )." If a majority of the votes cast in the election are "Yes," then the provisions of this act shall become operative immediately. If the majority are "No," this act shall have no further effect. The results of the election shall be certified by the probate judge to the Secretary of State, who shall make a permanent record thereof.

Section 5. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this act are hereby repealed.

Section 7. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

On motion of Mr. Cook, said substitute was laid on the table.

And said Bill, H. B. 882, was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:  
Bailey  
Barron

Britnell  
Callahan  
Cook

Denton  
Figures  
Glass

Hall  
Holmes  
Keener



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Kirkland	Miller	Smith	Vacca
Little	Mitchem	Taylor	Weeks
Martin	Parsons	Teague	White
McDonald	Proctor		

—25

Nays: —0

The Bill:

H. 760. Applying only to Shelby County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	McDonald	Taylor
Barron	Hall	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Lemaster	Proctor	White
Denton	Little		

—25

Nays: —0

The Bill:

H. 1066. Applying only to Shelby County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Glass	Martin	Smith
Bailey	Hall	McDonald	Taylor
Barron	Holmes	Miller	Teague
Britnell	Keener	Mitchem	Vacca
Cook	Kirkland	Parsons	Weeks
Denton	Lemaster	Proctor	White
Figures	Little		

—25

Nays: —0

The Bill:

H. 1067. To promote the maintenance of Shelby County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Shelby County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it

can be identified; to grant authority to the Shelby County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Shelby County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Shelby County; to grant authority to the Shelby County Health Department to enforce littering laws in Shelby County, and to provide for a means to plea to the public to heed such laws and to help to eliminate litter in such county.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith	
Bailey	Glass	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Holmes	Mitchem	Vacca	
Callahan	Keener	Parsons	Weeks	
Cook	Kirkland	Proctor	White	
Denton	Lemaster			—25

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bill:

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 434. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

JOHN W. PEMBERTON,  
Clerk.

#### RESOLUTIONS

Mr. Holmes offered the following Senate Resolutions, to-wit:

S. R. 228. CONGRATULATING MISS JANE ELLEN GAITHER UPON GRADUATION FROM TALLADEGA HIGH SCHOOL.

Also:

S. R. 229. CONGRATULATING MISS ELIZABETH JO LANGLEY UPON GRADUATION FROM WALTER H. WELLBORN HIGH SCHOOL.

Also:

S. R. 230. CONGRATULATING MISS CYNTHIA DAWN WOMACK UPON GRADUATION FROM WALTER H. WELLBORN HIGH SCHOOL.

Also:

S. R. 231. CONGRATULATING MISS DONNA SHEARS UPON GRADUATION FROM WALTER H. WELLBORN HIGH SCHOOL.

Also:

S. R. 232. CONGRATULATING MISS KIM PARSONS UPON GRADUATION FROM OXFORD HIGH SCHOOL.

Also:

S. R. 233. CONGRATULATING ANDRE STEPHEN MAGOUIRK UPON GRADUATION FROM OXFORD HIGH SCHOOL.

Also:

S. R. 234. WISHING MISS CONNIE LYNNE HOLMES MANY HAPPY RETURNS ON HER FIFTEENTH BIRTHDAY.

Which were adopted.

#### FURTHER CONSIDERATION OF H. B. 571

The Senate proceeded to further consideration of the Report of the Committee on Conference on the Bill, H. B. 571. The question was on the substitute motion of Mr. Pearson that the Senate concur.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 403. To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel in lieu of an excise tax on such fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

Also:

S. 404. To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude liquefied gas from such definitions.

JOHN W. PEMBERTON,  
Clerk.

#### LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 992. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegation in Mobile County.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Parsons	Teague	
Callahan	Hall	Pearson	Vacca	
Cook	Holmes	Proctor	Weeks	
deGraffenried	Keener	St. John	White	
Denton	Little			—25
<i>Nays:</i>				—0

## FURTHER CONSIDERATION OF H. B. 571

The Senate proceeded to further consideration of the Report of the Committee on Conference on the Bill, H. B. 571. The question was on the substitute motion of Mr. Pearson that the Senate concur.

Mr. Harrison moved that the motion to concur in the Conference Committee Report be laid on the table, which motion was lost.

Yeas 7; Nays 23.

*Yeas:*

Messrs.:	Hall	Kirkland	Robertson	
Barron	Harrison	Parsons	Taylor	—7

*Nays:*

Messrs.:	Glass	Little	Proctor	
Britnell	Goodwin	Martin	St. John	
Callahan	Higginbotham	McDonald	Smith	
deGraffenried	Holmes	Miller	Teague	
Denton	Keener	Mitchem	Vacca	
Figures	Lemaster	Pearson	White	—23

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills with the original Senate Bills, respectively, and finds same correctly enrolled, to-wit:

S. 123. Relating to the method of giving notice of the requirement of attendance of jury service and the procedure for summoning witnesses in Talladega County; to provide that witnesses may be subpoenaed by United States mail in the county under certain conditions.

Also:

S. 130. Relating to Macon County; to provide further compensation for the clerk and members of the jury commission, payable from the county general fund; and providing retroactive effect.

Also:

S. 376. To amend Sections 27-2-21 and 27-10-31, Code of Alabama 1975 allowing the Commissioner of Insurance to examine surplus line brokers in the same manner as an insurer; to allow the surplus line broker to offset from his tax the cost of such examination.

Also:

S. 380. To amend Section 41-3-6 of the Code of Alabama 1975, relating to fines for exploring or excavating aboriginal mounds, earthworks or other antiquities contrary to law so as to provide further for such fines.

Also:

S. 397. To amend Act No. 31 of the Alabama Legislature, Second Special Session, 1975 which relates to the incorporation in any municipality having a population of not less than 175,000 nor more than 250,000 according to the last or any subsequent Federal Decennial Census of an authority as a public corporation for the purpose of providing a public transportation service in such county and the compensation of directors of any such authority.

Also:

S. 544. To provide that the Department of Ophthalmology of the University of Alabama School of Medicine may train any employee of the Alabama Lions Eye Bank to enucleate donor eyes and to require any such employee to comply with the provisions of the Alabama Uniform Anatomical Gift Act and the standards and regulations promulgated by the Chairman of said Department, and to grant to the Chairman of the Department the power to promulgate regulations and standards to certify said employees.

Also:

S. 567. Relating to Act No. 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) establishing a pension system for the officers and employees of Jefferson County, Alabama; to provide that members of such pension system may elect that workmen's compensation benefits payable to them for injuries or disabilities sustained by them while serving as employees of said County may be considered as salary paid to said members by said County for the purpose of determining the amount of pension benefits payable to said members under said Act 497; to provide that conditions on which such workmen's compensation benefits may be considered as salary paid to such members by the County; to empower the Pension Board, provided for by said Act 497, to adopt rules providing for the time within which, the manner in which and the conditions on which said members may elect to exercise the said option; and to provide that no such rule adopted by the Pension Board shall become effective until the County Commission has by resolution approved such rule.

Also:

S. 568. To amend Section 13 of Act 497 of the Regular Session of the Legislature of Alabama of 1965 (Ala. Acts, 1965, pp. 717-739) which established a pension system for employees and officers of Jefferson County, Alabama.

Also:

S. 569. Relating to Tuscaloosa County, to provide for the taxing and collecting of certain court costs for remodeling courtrooms and judges' chambers.

Also:

S. 577. To place all full-time employees of the Mobile Housing Board under the classified service of the merit system of Mobile County's Personnel Board.

Also:

S. 593. Relating to Law Enforcement of Mobile County, fixing the fee for the issuance of pistol permits; specifically, amending Section 1 of Act No. 474, S. 259, Regular Session 1969 (Acts 1969, p. 930).

Also:

S. 599. Relating to the Thirty-ninth Judicial Circuit; providing a county salary supplement for the circuit judges effective the next fiscal year of Limestone County.

Also:

S. 603. Relating to Jefferson County; to authorize and empower the county commission to formulate and administer a plan whereby certain county employees may purchase up to ten years credit in the county retirement system for certain past service to the county.

Also:

S. 606. Relating to Tallapoosa County; to amend Section 2 of Act No. 32, S. 62, Regular Session 1967 (Acts 1967, p. 363), relating to compensation for members of the board of registrars, so as to regulate further said supplement; and to provide for retroactive effect.

Also:

S. 607. To provide an expense allowance for certain city employees of Attalla.

Also:

S. 608. To provide the members of the Etowah County board of registrars with an additional per diem supplement.

Also:

S. 609. To provide a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Etowah County.

Also:

S. 612. To authorize and direct the Tallapoosa County Commission to appropriate the accumulation of the beer tax levied by Act No. 147, H. 572 of the 1969 Regular Session (Acts of 1969, p. 420) and distribute it within the county.

Also:

S. 613. Relating to Randolph County; fixing the fee for the issuance of pistol permits and providing for the disposition of such fees.

Also:

S. 615. Relating to Shelby County; providing for an increase in salary for the part-time bailiffs of said county.

Also:

S. 618. To amend Section 1 of Act No. 388, H. 979, 1978 Regular Session, entitled "An Act Relating to Elmore County; providing further for the salaries and expense allowances of the deputies of the sheriff's department, and providing payment out of county funds, so as to increase the salaries of the deputies of the sheriff's department."

Also:

S. 621. Relating to Colbert County; to provide for the establishment of fees by the county commission based upon, but not bound by recommendations of the county board of health for public health services.

Also:

S. 622. To alter or rearrange the boundary lines of the City of Hoover, Jefferson County, Alabama, so as to include within the corporate limits of said city all territory now within such corporate limits and also certain other territory contiguous thereto, in Jefferson and Shelby County, Alabama, to provide for an election by residents of the territory to be annexed, and to expressly provide and nothing herein contained shall amend, alter or rearrange the present boundary line between Jefferson and Shelby Counties, nor annex any public school property owned by the Shelby County Board of Education.

Also:

S. 625. Relating to Tuscaloosa County; levying an additional privilege license tax on malt or brewed beverages; providing for the collection and distribution of the proceeds of such tax; and providing for the administration and enforcement of this Act including penalties for violations.

Also:

S. 611. To provide for a special recording fee of \$1.00, in addition to all existing recording fees and charges, for each such document hereafter filed for record in Tallapoosa County.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing report from the Committee on Rules.

#### FURTHER CONSIDERATION OF H. B. 571

The Senate proceeded to further consideration of the Report of the Committee on Conference on the Bill H. B. 571. The question was on the substitute motion of Mr. Pearson that the Senate concur, which motion was adopted.

Yeas 26; Nays 5.

*Yeas:*

Messrs.:	Gulledge	Martin	St. John	
Britnell	Hall	McDonald	Smith	
Callahan	Higginbotham	Miller	Teague	
Cook	Holmes	Mitchem	Vacca	
deGraffenried	Keener	Pearson	Weeks	
Denton	Kirkland	Proctor	White	
Goodwin	Little	Robertson		—26

*Nays:*

Messrs.:	Barron	Parsons	Taylor	
Bailey	Harrison			—5

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the amendment to the bill:

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE ON  
CONFERENCE ON H. B. 533

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning House Bill 533, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,  
LEIGH PEGUES,  
GERALD DIAL,

Conferees on the part of the House.

J. RICHMOND PEARSON,

FINIS ST. JOHN,

JOHN A. TEAGUE,

Conferees on the part of the Senate.

## CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 533

A BILL  
TO BE ENTITLED  
AN ACT

To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.



Be It Enacted by the Legislature of Alabama:

Section 1. The monies in Section 2 are appropriated from the named funds for the 1980-81 fiscal year to the state agency indicated, as the amounts to be used to pay the expenditures of the named agencies, and are in lieu of all monies appropriated for these purposes in other sections of the Alabama Statutes.

For the purpose of this Act, the amounts herein for expenditures are listed by programmatic area and the total for all programs are shown by the source of funds. It is intended that only the named funds be appropriated to the agency concerned; and that the following definitions shall be applicable:

(a) "Appropriation Total" shall mean the aggregate total of all fund sources.

(b) "Program" shall mean specific governmental services required to achieve a specific objective. A program shall be directed to meeting the needs of an identified clientele, or group of recipients or beneficiaries.

(c) "Capital Outlay" shall mean expenditures which result in the acquisition and/or addition to items, such as land or buildings, which have an appreciable and calculable period of usefulness in excess of one year, and shall be expended only for such purposes.

(d) "Debt Service" shall mean an expenditure for the payment of interest and principal on all bonded debt obligations of the State, and shall be expended only for such purposes.

Section 2. There is hereby appropriated for the ordinary expenses of the executive, legislative, and judicial departments of the State, for other functions of government, for the principal and interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981, to be paid out of any monies hereinafter specified, from such other funds and accounts as may be designated, or so much thereof as may be necessary, and the total amount to be expended for the items for which the appropriation is herein made shall not exceed the amount provided therefor, except as provided in the Budget Management Act on 1976, Act No. 494, 1976 Regular Session. Provided, however, that if at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State Employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

A. Legislative:

1. Examiners of Public Accounts,  
Department of:

(a) Legislative Support-Audit Services Program .....	2,530,020
------------------------------------------------------	-----------

SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,530,020</u>	
Total Department of Examiners of Public Accounts .....	<u>2,530,020</u>	<u>2,530,020</u>

2. Legislative Council:

(a) Legislative Operations and Support Program .....	92,100
------------------------------------------------------	--------

(For Operations of the Council including out-of-state travel by Council members and members of the Legislature authorized to attend legislative conferences by joint resolution of the Legislature)

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>92,100</u>	
Total Legislative Council .....	<u>92,100</u>	<u>92,100</u>

## 3. Legislative Fiscal Office:

(a) Legislative Operations and Support Program .....		334,000
------------------------------------------------------	--	---------

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>334,000</u>	
Total Legislative Fiscal Office ...	<u>334,000</u>	<u>334,000</u>

## 4. Legislative Reference Service:

(a) Legislative Operations and Support Program .....		523,401
------------------------------------------------------	--	---------

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>523,401</u>	
Total Legislative Reference Service .....	<u>523,401</u>	<u>523,401</u>

## 5. Legislature:

(a) Legislative Operations and Support Program .....		2,500,000
------------------------------------------------------	--	-----------

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,500,000</u>	
Total Legislature .....	<u>2,500,000</u>	<u>2,500,000</u>

In addition to the above appropriation there is hereby appropriated \$500,000 to the Legislature to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

## B. JUDICIAL:

## 1. Court of Civil Appeals:

(a) Court Operations Program ..		458,497
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>458,497</u>	
Total Court of Civil Appeals ....	<u>458,497</u>	<u>458,497</u>

## 2. Court of Criminal Appeals:

(a) Court Operations Program ..		683,989
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SOURCE OF FUNDS:

(1) State General Fund .....	<u>683,989</u>	
Total Court of Criminal Appeals .	<u>683,989</u>	<u>683,989</u>

3. District Attorneys:

(a) Court Operations Program ..		5,000,000
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The proposed spending plan included in the above total is as follows:

Salaries of District Attorneys.....1,287,000

Salary of elected Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit .....31,000

Salary of the appointed Assistant Deputy District Attorney of the Bessemer Division of the 10th Judicial Circuit .....4,143

Salaries and expenses of Supernumerary District Attorneys .....475,000

For use in the District Attorney's Office of the 1st Judicial Circuit .....47,732

For use in the District Attorney's Office of the 2nd Judicial Circuit .....52,308

For use in the District Attorney's Office of the 3rd Judicial Circuit .....55,560

For use in the District Attorney's Office of the 4th Judicial Circuit .....224,677

For use in the District Attorney's Office of the 5th Judicial Circuit .....146,320

For use in the District Attorney's Office of the 6th Judicial Circuit .....106,540

For use in the District Attorney's Office of the 7th Judicial Circuit .....81,649

For the use in the District Attorney's Office of the 8th Judicial Circuit .....66,236

For use in the District Attorney's Office of the 9th Judicial Circuit .....76,060

For use in the District Attorney's Office of the 10th Judicial Cir- cuit .....	164,800
For use in the District Attorney's Office of the 11th Judicial Cir- cuit .....	58,800
For use in the District Attorney's Office of the 12th Judicial Cir- cuit .....	58,526
For use in the District Attorney's Office of the 13th Judicial Cir- cuit .....	135,185
For use in the District Attorney's Office of the 14th Judicial Cir- cuit .....	65,050
For use in the District Attorney's Office of the 15th Judicial Cir- cuit .....	218,593
For use in the District Attorney's Office of the 16th Judicial Cir- cuit .....	67,000
For use in the District Attorney's Office of the 17th Judicial Cir- cuit .....	42,200
For use in the District Attorney's Office of the 18th Judicial Cir- cuit .....	78,303
For use in the District Attorney's Office of the 19th Judicial Cir- cuit .....	51,000
For use in the District Attorney's Office of the 20th Judicial Cir- cuit .....	84,300
For use in the District Attorney's Office of the 21st Judicial Cir- cuit .....	44,441
For use in the District Attorney's Office of the 22nd Judicial Cir- cuit .....	60,000
For use in the District Attorney's Office of the 23rd Judicial Cir- cuit .....	167,658
For use in the District Attorney's Office of the 24th Judicial Cir- cuit .....	65,713
For use in the District Attorney's Office of the 25th Judicial Cir- cuit .....	44,131

For use in the District Attorney's Office of the 26th Judicial Cir- cuit .....	106,000
For use in the District Attorney's Office of the 27th Judicial Cir- cuit .....	78,605
For use in the District Attorney's Office of the 28th Judicial Cir- cuit .....	50,000
For use in the District Attorney's Office of the 29th Judicial Cir- cuit .....	74,400
For use in the District Attorney's Office of the 30th Judicial Cir- cuit .....	82,200
For use in the District Attorney's Office of the 31st Judicial Cir- cuit .....	45,400
For use in the District Attorney's Office of the 32nd Judicial Cir- cuit .....	46,375
For use in the District Attorney's Office of the 33rd Judicial Cir- cuit .....	42,000
For use in the District Attorney's Office of the 34th Judicial Cir- cuit .....	31,175
For use in the District Attorney's Office of the 35th Judicial Cir- cuit .....	42,100
For use in the District Attorney's Office of the 36th Judicial Cir- cuit .....	51,900
For use in the District Attorney's Office of the 37th Judicial Cir- cuit .....	70,800
For use in the District Attorney's Office of the 38th Judicial Cir- cuit .....	66,120
For use in the District Attorney's Office of the 39th Judicial Cir- cuit .....	28,000
Appropriations of Salaries of Per- sonnel Established by Statute are estimated.	
Travel Expense of District Attor- neys .....	50,000

Telephone Service, Stationery, Stamps and necessary Office supplies for Office use of District Attorneys, Deputy District Attorneys or Assistants (Provided, however, that none of this appropriation shall be expended for books and equipment purchases.) .....75,000

5,000,000

SOURCE OF FUNDS:

(1) State General Fund ..... 5,000,000

Total District Attorneys ..... 5,000,000 5,000,000

In addition to the above appropriation there is hereby appropriated \$1,700,000 to District Attorneys to be conditional upon the condition of the State General Fund and upon approval of the Governor.

4. Judicial Inquiry Commission:

(a) Administrative Service Program ..... 61,522

SOURCE OF FUNDS:

(1) State General Fund ..... 61,522

Total Judicial Inquiry Commission ..... 61,522 61,522

5. Judicial Retirement System:

(a) Retirement Systems Program ..... 3,557,100

SOURCE OF FUNDS:

(1) State General Fund ..... 3,557,100

Total Judicial Retirement System ..... 3,557,100 3,557,100

6. Supreme Court:

(a) Court Operations Program .. 1,858,949

SOURCE OF FUNDS:

(1) State General Fund ..... 1,848,949

(2) Federal, Local and Miscellaneous Funds ..... 10,000

Total Supreme Court ..... 1,848,949 10,000 1,858,949

7. Unified Judicial System:

(Administrative Office of Courts)

(a) Court Operations Program .. 28,489,478

(b) Administrative Services Program ..... 1,953,356

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SOURCE OF FUNDS:

(1) State General Fund .....	30,442,834	
Total Unified Judicial System ...	30,442,834	30,442,834

C. EXECUTIVE:

1. Academy of Honor, Alabama:

(a) Historical Resources Management Program .....		1,300
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SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 11, Section 6, 1975 Code of Alabama .....	1,300	
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Total Alabama Academy of Honor .....	1,300	1,300
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2. Accountancy, Alabama State Board of Public:

(a) Professional and Occupational Licensing and Regulation Program .....		135,000
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SOURCE OF FUNDS:

(1) Fund of the Alabama State Board of Public Accountancy, as provided in Title 34, Chapter 1, Section 22, 1975 Code of Alabama .....	135,000	
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In addition to the amounts appropriated hereinabove to the Alabama State Board of Public Accountancy, there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or withdrawn by request of applicant.

Total Alabama State Board of Public Accountancy .....	135,000	135,000
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3. Adjustment, Board of:

(a) Special Services Program ....		165,000
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SOURCE OF FUNDS:

(1) State General Fund for the General Fund Contribution to the total expenditure of \$350,000 pursuant to Title 41, Chapter 9, Section 73, 1975 Code of Alabama .....	15,000	
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(2) State General Fund for expenditures as provided in Title 31,		
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Chapter 3 and Title 36, Chapter 30, Article 1, 1975 Code of Alabama, Estimated .....				150,000		
Total Board of Adjustment .....				165,000		165,000
4. Aeronautics, Department of:						
(a) Airport Development and Aeronautical Support Program .....						701,567
The appropriation to the Department of Aeronautics shall include a transfer to the State Personnel Department of \$196.						
SOURCE OF FUNDS:						
(1) Airport Development Fund, as provided by Title 4, Chapter 2, Section 42, 1975 Code of Alabama .....				701,567		
Total Department of Aeronautics .....				701,567		701,567
5. Aging, Commission on:						
(a) Planning and Advocacy for Elderly Program .....						12,713,590
The appropriation to the Commission on Aging shall include a transfer to the State Personnel Department of \$982.						
SOURCE OF FUNDS:						
(1) State General Fund Transfer .....				785,000		
(2) Federal, Local and Miscellaneous Funds .....				11,928,590		
Total Commission on Aging .....				785,000	11,928,590	12,713,590
6. Agricultural Center Board:						
(a) Agricultural Development Services Program .....						565,000
The appropriation to the Agricultural Center Board shall include a transfer to the State Personnel Department of \$392.						
SOURCE OF FUNDS:						
(1) State General Fund for expense and awarding of prizes for fairs as provided in Title 2, Chapter 7, Article 2, 1975 Code of Alabama .....				120,000		
(2) State General Fund Transfer .....				320,000		
(3) Livestock Coliseum Fund .....				125,000		
Total Agricultural Center Board .....				440,000	125,000	565,000



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7. Agricultural and Industrial  
Exhibit Commission, Alabama:

(a) Agricultural Development  
Services Program ..... 32,400

SOURCE OF FUNDS:

(1) State General Fund ..... 32,400

Total Alabama Agricultural and  
Industrial Exhibit Commission ..... 32,400

8. Agriculture and Industries, De-  
partment of:

(a) Administrative Services Pro-  
gram ..... 886,011

(b) Agricultural Inspection Ser-  
vices Program ..... 8,553,145

(c) Laboratory Analysis and Dis-  
ease Control Program ..... 3,025,776

(d) Agricultural Development  
Services Program ..... 512,505

The appropriation to the Depart-  
ment of Agriculture and Indus-  
tries shall include a transfer to  
the State Personnel Department  
of \$17,725.

SOURCE OF FUNDS:

(1) State General Fund Transfer ..... 4,978,900

(2) Federal, Local and Miscellane-  
ous Funds ..... 2,321,122

(3) Shipping Point Inspection  
Fund pursuant to Title 2, Chap-  
ter 9, Sections 20 and 21, Code of  
Alabama, 1975. All fees and  
charges collected by the Commis-  
sioner of Agriculture and Indus-  
tries and deposited into said  
fund, and such appropriation to  
the Department of Agriculture  
and Industries shall include all  
fees and charges collected and  
deposited therein for Shipping  
Point Inspection, grading and  
classification services for ag-  
ricultural products including  
services furnished for weighing  
and issuing weight certificates to  
be used for the sale of agricul-  
tural commodities ..... 3,769,000

(4) Agricultural Fund (Any  
surplus remaining in the Ag-  
ricultural Fund at the end of the

fiscal year in excess of \$150,000 shall be transferred to the State General Fund.) .....

1,908,415

Total Department of Agriculture and Industries .....

4,978,900

7,998,537

12,977,437

In addition to the above appropriation there is hereby appropriated \$650,000 to the Department of Agriculture and Industries to be conditional upon the condition of the State General Fund and the approval of the Governor.

9. Alcoholic Beverage Control Board, Alabama:

(a) Alcoholic Beverage Management Program .....

22,496,718

(b) Licensing, Regulation and Enforcement Program .....

6,934,822

(c) Administrative Services Program .....

2,828,856

The appropriation to the Alabama Alcoholic Beverage Control Board shall include a transfer to the State Personnel Department of \$58,920

SOURCE OF FUNDS:

(1) ABC Stores Fund .....

32,260,396

In addition to the above appropriations herein made, there is hereby appropriated for each additional retail store put into operation during the fiscal year, an amount equal to the sum required to install and operate the last comparable retail store put into operation by said Board provided, however, that the sum appropriated for the operation of retail stores as provided herein shall be reduced in like manner for each retail store closed or withdrawn from operation during the same period. There is further appropriated to the Alabama Alcoholic Beverage Control Board, after provision has been made for the other expenditures herein authorized such sums as are or may be necessary to purchase the alcoholic

beverages which are essential to maintain adequate stocks and inventory for an economic and successful sales operation.

In addition to the above appropriation, it is further provided that, in the event any county or municipality of the State shall, during the fiscal period covered by this appropriation by proper referendum, authorize the legal sale of malt and brewed beverages within such county or municipality there is further appropriated, in addition to the amount herein set out, an amount comparable to that expended during the prior fiscal year for beer and license tax supervision within counties or municipalities of similar size and population.

Provided, further that the amount appropriated herein shall be reduced in like manner in the event any county or municipality wherein malt and brewed beverages are now authorized by law to be sold shall, during the fiscal period covered by this appropriation by proper referendum, declare unlawful the sale in such county or municipality of such malt or brewed beverages.

Total Alabama Alcoholic Beverage Control Board .....

32,260,396      32,260,396

10. Architects, Board of Registration of:

(a) Professional and Occupational Licensing and Regulation Program .....

70,000

The appropriation to the Board for Registration of Architects shall include a transfer to the State Personnel Department of \$98.

SOURCE OF FUNDS:

(1) Fund of the Board for Registration of Architects, as provided in Title 34, Chapter 2, Section 23, Code of Alabama 1975 .....

70,000

Total Board for Registration of Architects .....

70,000      70,000

## 11. Archives and History:

(a) Historical Resources Management Program .....	760,617
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## SOURCE OF FUNDS:

(1) State General Fund .....	748,617		
(2) Federal, Local and Miscellaneous Funds .....		<u>12,000</u>	
Total Archives & History .....	<u>748,617</u>	<u>12,000</u>	<u>760,617</u>

## 12. Attorney General, Office of the:

(a) Legal Advice and Legal Services Program .....	3,384,891
(b) Fair Marketing Practices Program .....	286,125

## SOURCE OF FUNDS:

(1) State General Fund .....	2,800,000		
(2) Transfer from Pensions and Security .....		310,000	
(3) Federal, Local and Miscellaneous Funds .....		<u>561,016</u>	
Total Office of the Attorney General .....	<u>2,800,000</u>	<u>871,016</u>	<u>3,671,016</u>

## 13. Auditor, State:

(a) Fiscal Management Program .....	580,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>580,000</u>	
Total State Auditor .....	<u>580,000</u>	<u>580,000</u>

## 14. Banking Department, State:

(a) Charter, License, and Regulate Financial Institutions Program .....	1,699,149
(b) Housing Authority Administration Program .....	30,000

The appropriation to the State Banking Department shall include a transfer to the State Personnel Department of \$2,062.

## SOURCE OF FUNDS:

(1) State General Fund Transfer .....	310,850	
(2) Banking Assessment Fees as provided in Title 5, Chapter 1, Section 5, 1975 Code of Alabama .....		1,229,497

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(3) Bureau of Credit Unions as provided in Title 5, Chapter 2, Article 5, Divisions 1 and 2, 1975 Code of Alabama .....	161,750		
(4) Loan Examination Fund as provided in Title 5, Chapter 18, Sections 1-24, 1975 Code of Alabama .....	27,052		
Total State Banking Department	310,850	1,418,299	1,729,149
15. Bar Association, Alabama State:			
(a) Professional and Occupational Licensing and Regulation Program .....			496,676
SOURCE OF FUNDS:			
(1) State Bar Association Fund, as provided in Title 34, Chapter 3, Code of Alabama 1975 .....	496,676		
Total Alabama State Bar Association .....	496,676		496,676
16. Bear Creek Development Authority:			
(a) Water Resource Development Program .....			209,119
SOURCE OF FUNDS:			
(1) State General Fund .....	26,900		
(2) Federal, Local and Miscellaneous Funds .....	182,219		
Total Bear Creek Development Authority .....	26,900	182,219	209,119
17. Brierfield Ironworks Park:			
(a) Outdoor Recreation Sites and Services Program .....			87,760
SOURCE OF FUNDS:			
(1) State General Fund .....	20,000		
(2) Federal, Local and Miscellaneous Funds .....	67,760		
Total Brierfield Ironworks Park .	20,000	67,760	87,760
18. Building Commission:			
(a) Special Services Program ....			545,992
The appropriation to the Building Commission shall include a transfer to the State Personnel Department of \$98.			

## SOURCE OF FUNDS:

(1) State General Fund .....	138,220		
(2) Federal, Local and Miscellaneous Funds .....		<u>407,772</u>	
Total Building Commission .....	<u>138,220</u>	<u>407,772</u>	<u>545,992</u>

## 19. Capitol Renovation-Alabama Historical Commission:

(a) Historical Resources Management Program .....			2,000,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,000,000</u>		
Total Capitol Renovation-Alabama Historical Commission .....	<u>2,000,000</u>		<u>2,000,000</u>

In addition to the above appropriation there is hereby appropriated \$1,500,000 to Capitol Renovation-Alabama Historical Commission to be conditional upon the condition of the State General Fund. and upon approval of the Governor.

## 20. Chiropractic Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			25,000
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## SOURCE OF FUNDS:

(1) Alabama State Board of Chiropractic Examiner's Fund as provided in Title 34, Chapter 24, Article 4, Divisions 1, 2 and 3, 1975 Code of Alabama .....		<u>25,000</u>	
Total Alabama State Board of Chiropractic Examiners .....		<u>25,000</u>	<u>25,000</u>

## 21. Civil Defense, Department of:

(a) Readiness and Recovery Program .....			946,152
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The appropriation to the Department of Civil Defense shall include a transfer to the State Personnel Department of \$1,423.

## SOURCE OF FUNDS:

(1) State General Fund .....	461,400		
(2) Federal, Local and Miscellaneous Funds .....		<u>484,752</u>	
Total Department of Civil Defense .....	<u>461,400</u>	<u>484,752</u>	<u>946,152</u>

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22. Coastal Area Board, Alabama:

(a) Coastal Area Management Program .....	875,000
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The appropriation to the Alabama Coastal Area Board shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) State General Fund .....	50,000		
(2) Federal, Local and Miscellaneous .....		825,000	
Total Alabama Coastal Area Board	<u>50,000</u>	<u>825,000</u>	<u>875,000</u>

23. Conservation and Natural Resources, Department of:

(a) Wildlife and Game and Fish Program .....	10,903,145
(b) State Land Management Program .....	226,302
(c) Outdoor Recreation Sites and Services Program .....	12,874,553
(d) Administrative Services Program .....	3,039,187
(e) Land Survey Program .....	225,382

The appropriation to the Department of Conservation and Natural Resources shall include a transfer to the State Personnel Department of \$27,005

SOURCE OF FUNDS:

(1) Game and Fish Fund .....	9,475,445
(2) State Lands Fund .....	226,302

The funds hereinabove appropriated from the State Lands Fund includes funds for analyzing, cataloging and monitoring mineral reserves and the development thereof on State lands including water and offshore areas.

(3) Marina Resources Fund .....	1,121,500
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In addition to the monies hereinabove appropriated from the Marine Resources Fund, all monies derived from contracts, grants or other agreements concerning or relating to marine

biological research performed or accomplished at the Marine Resources Division Laboratory at Dauphin Island is hereby appropriated and may be expended by the Commissioner of Conservation on such Marine Resources Division Programs or projects which he deems appropriate.

(4) Marine Police Fund .....	1,724,000
(5) Land Surveyors Fund .....	225,382
(6) State Parks Fund .....	8,550,553
(7) Administrative Funds .....	3,039,187

The funds hereinabove appropriated shall be payable as provided in Title 9, Chapter 2, Section 1, Code of Alabama 1975.

(8) State General Fund .....	2,806,200
(9) State General Fund-Transfer to Game and Fish Fund for Capital Improvements-(Bibb and Escambia County Lakes) .....	100,000

Total Department of Conservation and Natural Resources .....	2,906,200	24,362,369	27,268,569
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24. Contractors State Licensing Board for General:

(a) Professional and Occupational Licensing and Regulation Program .....	164,850
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The appropriation to the State Licensing Board for General Contractors shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) State Licensing Board for General Contractors Fund .....	164,850
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Pursuant to Title 34, Chapter 8, Code of Alabama 1975. In addition to the amounts appropriated hereinabove to the State Licensing Board for General Contractors there is hereby appropriated such an amount as may be necessary to pay the refund of any application for license which may have been rejected by the Board or application withdrawn by request of applicant.

Total State Licensing Board for General Contractors .....	164,850	164,850
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25. Corrections, Board of:

(a) Administrative Services and Logistical Support Program ...	2,982,507
(b) Institutional Services Corrections Program .....	22,576,774
(c) Correctional Industries Program .....	3,710,702

The appropriation to the Board of Corrections shall include a transfer to the State Personnel Department of \$59,214.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	24,500,000	
(2) Federal, Local and Miscellaneous Funds .....		625,000
(3) Board of Corrections Fund ...		4,144,983

The Commissioner of Corrections is authorized to utilize funds herein appropriated as matching contributions, where required and appropriated, to generate additional funds which would effectively increase the appropriations for the Board of Corrections. Any such grant fund so generated and in direct support of the Board of Corrections operations are also hereby appropriated.

Total Board of Corrections .....	<u>24,500,000</u>	<u>4,769,983</u>	<u>29,269,983</u>
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In addition to the above appropriation there is hereby appropriated \$30,000,000 to the Board of Corrections to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

26. Cosmetology, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	315,000
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The appropriation to the Alabama Board of Cosmetology shall include a transfer to the State Personnel Department of \$491.

SOURCE OF FUNDS:

(1) Alabama Board of Cosmetology Fund as provided in Title 34, Chapter 7, 1975 Code of Alabama .....	<u>315,000</u>
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Total Alabama Board of Cosmetology .....	<u>315,000</u>	<u>315,000</u>
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27. Criminal Justice Information System, Alabama:

(a) Criminal Justice Information Services Program .....		2,268,004
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The appropriation to the Alabama Criminal Justice Information System shall include a transfer to the State Personnel Department of \$2,602.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	1,900,000		
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(2) Federal, Local and Miscellaneous Funds .....		<u>368,004</u>	
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Total Alabama Criminal Justice Information System .....	<u>1,900,000</u>	<u>368,004</u>	<u>2,268,004</u>
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In addition to the above appropriation there is hereby appropriated \$239,000 to the Criminal Justice Information System to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

28. Dairy Commission, Alabama:

(a) Regulatory Services Program		455,000
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The appropriation to the Alabama Dairy Commission shall include a transfer to the State Personnel Department of \$540.

SOURCE OF FUNDS:

(1) Alabama Dairy Commission Fund as provided in Title 2, Chapter 13, Code of Alabama 1975 .....	<u>455,000</u>
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Total Alabama Dairy Commission	<u>455,000</u>	<u>455,000</u>
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29. Development Office, Alabama:

(a) Industrial Development Program .....	2,537,000
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(b) Bureau of Publicity and Information-Tourism and Travel Promotion Program .....	2,402,873
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(c) Administrative Services Program-Office of Minority Business .....	145,000
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(d) Alabama Film Commission-Promotional Development Program .....	220,000
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The appropriation to the Alabama Development Office shall include a transfer to the State Personnel Department of \$3,093.

SOURCE OF FUNDS:

(1) State General Fund-Transfer Alabama Development Office ..	2,467,000		
(2) State General Fund-Transfer Publicity and Information .....	500,000		
(3) State General Fund Transfer-Office of Minority Business ...	75,000		
(4) State General Fund-Alabama Film Commission .....	220,000		
(5) Lodgings Tax (1¢)-Receipts collected under the provisions of Title 40, Chapter 26, 1975 Code of Alabama for the Bureau of Publicity and Information .....		1,902,873	
(6) Federal, Local and Miscellaneous Funds .....		<u>140,000</u>	
Total Alabama Development Office .....	<u>3,262,000</u>	<u>2,042,873</u>	<u>5,304,873</u>

30. Engineers and Land Surveyors, State Board of Registration for Professional:

(a) Professional and Occupational Licensing and Regulation Program .....	238,196
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The appropriation to the State Board of Registration for Professional Engineers and Land Surveyors shall include a transfer to the State Personnel Department of \$245.

SOURCE OF FUNDS:

(1) Professional Engineers' Fund as provided in Title 34, Chapter 11, Code of Alabama 1975, as amended and Act No. 1049, 1975 Regular Session .....	<u>238,196</u>		
Total State Board of Registration for Professional Engineers and Land Surveyors .....		<u>238,196</u>	<u>238,196</u>

31. Ethics Commission, Alabama:

(a) Regulation of Public Officials and Employees Program .....	175,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	175,000	
Total Alabama Ethics Commission	175,000	175,000

## 32. Farmers' Market Authority:

(a) Agricultural Development Services Program .....	658,000
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## SOURCE OF FUNDS:

(1) State General Fund-Transfer For Administration .....	78,000	
(2) State General Fund-Transfer for Capital Outlay .....	500,000	
(3) Farmers' Market Authority Fund-Revenue and Capital Out- lay Account .....	80,000	
Total Farmers' Market Authority	578,000	658,000

## 33. Finance, Department of:

(a) Fiscal Management Program	1,949,941
(b) Administrative Support Ser- vices Program .....	4,258,889
(c) Administrative Support Ser- vices Program-Repair, renovate, and clean state buildings .....	500,000
(d) Administration of Private Col- leges and Universities Facilities Authority .....	6,000

## SOURCE OF FUNDS:

(1) State General Fund .....	4,814,896	
(2) State Agency Collections- Maintenance Revolving Fund .....	1,899,934	
Total Department of Finance ....	4,814,896	6,714,830

34. Finance-Telephone Network  
Fund:

(a) Administrative Support Ser- vices Program .....	4,028,907
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## SOURCE OF FUNDS:

(1) Telephone Network Fund ....	4,028,907	
Total Finance-Telephone Network Fund .....	4,028,907	4,028,907

35. Foresters, Alabama State  
Board of Registration For:

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(a) Professional and Occupational Licensing and Regulation Program .....	17,900
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SOURCE OF FUNDS:

(1) Professional Foresters' Fund ..	17,900	
Total Alabama State Board of Registration for Foresters .....	17,900	17,900

36. Forestry Commission, Alabama:

(a) Forest Resource Protection Program .....	7,316,266
(b) Forest Resource Management and Development Program ....	2,144,977
(c) Forestry Information and Education Program .....	282,245
(d) Administrative Services Program .....	1,276,585

The appropriation to the Alabama Forestry Commission shall include a transfer to the State Personnel Department of \$19,983.

SOURCE OF FUNDS:

(1) State General Fund .....	5,568,659		
(2) Federal and Local Funds ....	2,549,398		
(3) Forestry Commission Fund ..	2,902,016		
Of the above appropriation \$100,000 shall be used for rural and community fire protection.			
Total Alabama Forestry Commission .....	5,568,659	5,451,414	11,020,073

37. Fort Morgan Commission:

(a) Historical Resources Management Program .....	109,433
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SOURCE OF FUNDS:

(1) State General Fund .....	99,400		
(2) Federal, Local and Miscellaneous Funds .....	10,033		
Total Fort Morgan Commission ..	99,400	10,033	109,433

38. Funeral Service, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....	81,900
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## SOURCE OF FUNDS:

(1) Alabama Funeral Directors and Embalmers Fund as provided in Title 34, Chapter 13, 1975 Code of Alabama .....	81,900	
Total Alabama Board of Funeral Services .....	81,900	81,900

## 38A. Foreign Trade Relations Commission:

(a) Special Services Program ....	50,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	50,000	
Total Foreign Trade Relations Commission .....	50,000	50,000

## 39. Geological Survey:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	1,596,049
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The appropriation to the Geological Survey shall include a transfer to the State Personnel Department of \$3,829.

## SOURCE OF FUNDS:

(1) State General Fund .....	1,042,032	
(2) Federal, Local and Miscellaneous Funds .....	554,017	
Total Geological Survey .....	1,042,032	1,596,049

## 40. Gorgas Memorial Board:

(a) Historical Resources Management Program .....	10,700
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## SOURCE OF FUNDS:

(1) State General Fund as provided in Title 41, Chapter 9, Section 220, 1975 Code of Alabama and an additional amount .....	10,000	
(2) Federal, Local and Miscellaneous Funds .....	700	
Total Gorgas Memorial Board ...	10,000	10,700

## 41. Governor's Office:

(a) Executive Director Program .	977,400
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## SOURCE OF FUNDS:

(1) State General Fund .....	977,400
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Total Governor's Office .....	<u>977,400</u>	<u>977,400</u>
42. Governor's Contingency Fund:		
(a) Executive Direction Program .....		295,480
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>295,480</u>	
Total Governor's Contingency Fund .....	<u>295,480</u>	<u>295,480</u>
43. Governor's Mansion and Coastal Mansion:		
(a) Executive Direction Program .....		150,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>150,000</u>	
Total Governor's Mansion and Coastal Mansion .....	<u>150,000</u>	<u>150,000</u>
44. Healing Arts, State Licensing Board for the:		
(a) Professional and Occupational Licensing and Regulation Program .....		132,000
The appropriation to the State Licensing Board for the Healing Arts shall include a transfer to the Personnel Department of \$98.		
SOURCE OF FUNDS:		
(1) State Licensing Board for the Healing Arts Fund .....	<u>132,000</u>	
Total State Licensing Board for the Healing Arts .....	<u>132,000</u>	<u>132,000</u>
45. Health, Department of Public:		
(a) Administrative Services Program .....		3,468,956
(b) Health Support Services Program .....		39,398,533
(c) Personal Health Improvement Program .....		29,535,056
(d) Environmental Health Improvement Program .....		6,283,138
(e) Special Services Program ....		1,227,009
(f) Health Planning, Development and Regulation Program .....		5,069,881
The appropriation to the Department of Public Health shall include a transfer to the State Personnel Department of \$100,605.		

## SOURCE OF FUNDS:

(1) State General Fund .....	14,632,000		
(2) Cigarette Tax-1¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama		1,400,001	
(3) Cigarette Tax-2¢ as provided in Title 40, Chapter 25, Sections 2 and 23, 1975 Code of Alabama		2,150,000	
(4) Vital Statistics Fund .....		660,000	
(5) Hospital Licensing Fund ....		85,000	
(6) Emergency Medical Services Fund as provided in Title 22, Chapter 18, Sections 1 through 7, 1975 Code of Alabama .....		30,000	
(7) Local Health Departments ...		25,990,952	
(8) Water Improvement Commis- sion Fines .....		300,000	
(9) Miscellaneous Revenues .....		3,126,835	
(10) Federal Funds .....		36,607,785	
Total Department of Public Health	<u>14,632,000</u>	<u>70,350,573</u>	<u>84,982,573</u>

## 46. Health Planning and Development Agency, State:

(a) Health Planning, Development and Regulation Program .....			950,026
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## SOURCE OF FUNDS:

(1) State General Fund .....	261,000		
(2) Federal, Local and Miscellaneous Funds .....		689,026	
Total State Health Planning and Development Agency .....	<u>261,000</u>	<u>689,026</u>	<u>950,026</u>

## 47. Hearing Aid Dealers, Alabama Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			15,400
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## SOURCE OF FUNDS:

(1) State Board of Health-Hearing Aid Fund as provided in Title 34, Chapter 14, Articles 1 and 2, 1975 Code of Alabama .....		15,400	
Total Alabama Board of Hearing Aid Dealers .....		<u>15,400</u>	<u>15,400</u>

## 48. Highway Department:

(a) Central Administration Program .....			6,825,251
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(b) Division and District Supervision-State Program ....	12,165,797
(c) Operations and Support Ser- vices Program .....	5,475,948
(d) Maintenance Program .....	60,000,000
(e) Non-Programmatic Expendi- tures .....	43,830,499
Proposed Spending Plan for the above (e) includes the following:	
Debt Service .....	38,595,075
Equipment-Automotive .....	5,000,000
Equipment-Other than Au- tomotive .....	235,424
(f) Construction-Federal Aid Pro- gram .....	248,429,681
Proposed Spending Plan for the above (f) includes the following:	
Federal Aid Matching .....	39,202,000
Non-Participating Work on Fed- eral Aid Projects .....	1,000,000
Advance Construction Bonds .....	30,726,000
Federal Aid .....	177,501,681
(g) Construction-State Program .	94,640,398
(h) Operations-Land & Buildings	2,305,500

The appropriation to the Highway  
Department shall include a  
transfer to the State Personnel  
Department of \$232,144.

SOURCE OF FUNDS:

(1) State General Fund .....	75,000
(2) Public Road and Bridge Fund	265,370,393
(3) Federal Aid .....	177,501,681
(4) Bond Proceeds .....	30,726,000

There is hereby appropriated, for  
payment of the principal of and  
the interest on all bonds hereto-  
fore or hereafter issued for public  
highways and bridge purposes, or  
either, by the State of Alabama,  
Alabama Highway Authority, or  
Alabama Highway Finance Cor-  
poration, a total of \$38,595,075 or  
so much as may be necessary for  
payment of said principal and  
interest at their respective  
maturities, of the revenues  
pledged for such payment.

The Highway Director with the consent of the Governor and the Budget Office shall have the authority to transfer any appropriation or any portion thereof between and among subsections, (a), (b), (c), (d), (e), (f), (g), (h) of this section whenever such transfer shall be necessary to assure maximum utilization of Federal Matching Funds which shall become available.

In the event that there shall not be sufficient funds available for payment of all appropriations hereinabove made, the following provisions shall be applicable: In the event of such insufficiency in respect of the said revenues accruing to the State Highway Department:

- (1) the appropriations made for Debt Service in section (e) hereof shall be paid in full—
- (2) the appropriations from the revenues accruing to the State Highway Department that are herein made for the purpose referred to in Sections (a), (b), (c), (d), (e), (f), (g), (h) except for Debt Service, hereof shall be allocated among the purposes referred to in said Sections in such order and with such priorities as the State Highway Director shall from time to time direct.

The funds appropriated in section (f) hereof, for the matching Federal funds, shall not revert at the end of the fiscal year for which such appropriations are made, but shall remain available for the purpose for which such appropriation was made.

In addition to all appropriations hereinabove made there is hereby appropriated to the State Highway Department all Federal Funds accruing thereto to be expended only for the purpose for which such funds are made available. Not later than ninety (90) days following the end of each fiscal year for which appropriations are made herein,

the State Highway Director shall transmit to the Governor, Lieutenant Governor, and each member of the Legislature, a report stating the portions of each appropriation made herein that have been spent in each county in the State during the fiscal year then ended.

Total Highway Department .....	<u>75,000</u>	<u>473,598,074</u>	<u>473,673,074</u>
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49. Highway and Traffic Safety, Office of:

(a) Traffic Control and Accident Prevention Program .....			3,551,800
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The appropriation to the Office of Highway and Traffic Safety shall include a transfer to the State Personnel Department of \$491.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	83,600		
(2) Federal Funds .....		<u>3,468,200</u>	

Total Office of Highway and Traffic Safety .....	<u>83,600</u>	<u>3,468,200</u>	<u>3,551,800</u>
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50. Historic Chattahoochee Commission:

(a) Historical Resources Management Program .....			66,500
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SOURCE OF FUNDS:

(1) State General Fund-Transfer	<u>66,500</u>		
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Total Historic Chattahoochee Commission .....	<u>66,500</u>		<u>66,500</u>
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51. Historical Commission, Alabama:

(a) Historical Resources Management Program .....			1,868,218
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The appropriation to the Alabama Historical Commission shall include a transfer to the State Personnel Department of \$736.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	274,400		
(2) Federal, Local and Miscellaneous Funds .....		<u>1,593,818</u>	

Total Alabama Historical Commission .....	<u>274,400</u>	<u>1,593,818</u>	<u>1,868,218</u>
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## 52. Industrial Relations, Department of:

(a) Skills Enhancement and Employment Opportunities Program .....	99,159,393
(b) Unemployment Compensation Program .....	180,333,617
(c) Administrative Services Program .....	6,340,871
(d) Industrial Safety and Accident Prevention Program .....	4,806,561
(e) Employment and Social Opportunities Program .....	325,810

The appropriation to the Department of Industrial Relations shall include a transfer to the State Personnel Department of \$70,212.

## SOURCE OF FUNDS:

(1) State General Fund .....	652,500		
(2) Federal, Local and Miscellaneous Funds .....		290,313,752	
Total Department of Industrial Relations .....	<u>652,500</u>	<u>290,313,752</u>	<u>290,966,252</u>

## 53. Insurance Board, State Employees':

(a) Administrative Support Services Program .....	72,434
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>72,434</u>		
Total State Employees' Insurance Board .....	<u>72,434</u>		<u>72,434</u>

## 54. Insurance, Department of:

(a) Regulatory Services Program .....	1,867,597
---------------------------------------	-----------

The appropriation to the Department of Insurance shall include a transfer to the State Personnel Department of \$2,749.

## SOURCE OF FUNDS:

(1) State General Fund .....	906,469		
(2) Examination Revolving Fund as provided in Title 27, Chapter 2, Section 25, Code of Alabama 1975 .....		820,253	

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(3) Fire Marshals' Fund as provided in Title 24, Chapter 5, Article 1, 1975 Code of Alabama. Any balance in excess of \$50,000 at the end of the fiscal year shall be transferred to the State General Fund .....

140,875

Total Department of Insurance ..	<u>906,469</u>	<u>961,128</u>	<u>1,867,597</u>
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55. Labor, Department of:

(a) Regulatory Services Program	249,670
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SOURCE OF FUNDS:

(1) State General Fund .....	212,164
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(2) Federal, Local and Miscellaneous Funds .....

37,506

Total Department of Labor .....	<u>212,164</u>	<u>37,506</u>	<u>249,670</u>
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56. Lagrange Historical Site-Alabama Historical Commission:

(a) Historical Resources Management Program .....	2,140
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SOURCE OF FUNDS:

(1) State General Fund-as provided in Title 41, Chapter 9, Section 270, 1975 Code of Alabama	<u>2,140</u>
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Total LaGrange Historical Site-Alabama Historical Commission	<u>2,140</u>	<u>2,140</u>
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57. Landscape Architects, Board of Examiners of:

(a) Professional and Occupational Licensing and Regulation Program .....	4,650
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SOURCE OF FUNDS:

(1) Landscape Architects Fund ..	<u>4,650</u>
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Total Board of Examiners of Landscape Architects .....	<u>4,650</u>	<u>4,650</u>
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58. Law Enforcement Planning Agency, Alabama:

(a) Law Enforcement Planning and Development Program ....	8,644,885
-----------------------------------------------------------	-----------

The appropriation to the Alabama Law Enforcement Planning Agency shall include a transfer to the State Personnel Department of \$2,602.

## SOURCE OF FUNDS:

(1) State General Fund-Transfer for Matching Federal Funds ...	596,780		
(2) Federal, Local and Miscellaneous Funds .....		<u>8,048,105</u>	
Total Alabama Law Enforcement Planning Agency .....	<u>596,780</u>	<u>8,048,105</u>	<u>8,644,885</u>

59. Liquefied Petroleum Gas  
Board:

(a) Regulatory Services Program			124,176
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The appropriation to the Liquefied  
Petroleum Gas Board shall in-  
clude a transfer to the State Per-  
sonnel Department of \$147.

## SOURCE OF FUNDS:

(1) L.P. Gas Board Fund .....	<u>124,176</u>		
Total Liquefied Petroleum Gas Board .....		<u>124,176</u>	<u>124,176</u>

60. Medical Services Administra-  
tion:

(a) Medical Assistance through Medicaid Program .....			227,678,668
----------------------------------------------------------	--	--	-------------

The appropriation to the Medical  
Services Administration shall  
include a transfer to the State  
Personnel Department of \$9,770.

## SOURCE OF FUNDS:

(1) State General Fund-Transfer	66,000,000		
(2) Federal, Local and Miscellaneous Funds .....		<u>161,678,668</u>	
Total Medical Services Adminis- tration .....	<u>66,000,000</u>	<u>161,678,668</u>	<u>227,678,668</u>

In addition to the above appropria-  
tion there is hereby appropriated  
\$30,000,000 to Medical Services  
Administration to be conditional  
upon the condition of the State  
General Fund and upon the ap-  
proval of the Governor.

## 61. Mental Health, Department of:

(a) Institutional Treatment and Care-Mental Illness Program ..			45,300,542
(b) Institutional Treatment and Care-Mental Retardation Pro- gram .....			38,487,299

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(c) Institutional Treatment and Care-Criminally Insane Program .....	348,297
(d) Non-Institutional Treatment and Care Program .....	22,253,454
(Of this amount, \$11,010,567 shall be used for Community Programs.)	
(e) Administrative Services Program .....	3,519,368

The appropriation to the Department of Mental Health shall include a transfer to the State Personnel Department of \$284,289.

SOURCE OF FUNDS:

(1) Special Mental Health Fund-For Operations and Maintenance of the State Mental Health Department including the purchase of drugs to medically and indigent mental patients not hospitalized at time of receiving drugs at the Alabama State Hospitals .....	68,195,817	
(2) Special Mental Health Fund-Community Programs .....	11,010,567	
(3) Transfer from ABC Profits ..	1,000,000	
(4) Cigarette Tax-1¢ .....	925,455	
(5) Cigarette Tax-2¢ .....	4,909,922	
(6) Federal, Local and Miscellaneous Funds .....	23,867,199	
Total Department of Mental Health .....	<u>109,908,960</u>	<u>109,908,960</u>

In addition to the above appropriation there is hereby appropriated \$36,400,000 to the Mental Health Department to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

62. A-Military Department:

(a) Military Operations Program .....	3,583,482
(b) Capital Outlay .....	595,132

SOURCE OF FUNDS:

(1) State General Fund-Transfer Capital Outlay for the Armories at Atmore, Fayette, Huntsville, Jackson, Montgomery, and Sub-Surface Soil Investigation .	525,600
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(2) State General Fund-Transfer for Architect and Engineering Services and Specifications for the Armories at Atmore, Birmingham, Goodwater, Guin and Monroeville .....	69,532	
(3) State General Fund-Operations .....	907,176	
(4) State General Fund-Quarterly Allowances Headquarters-Regular Allowance Units to be used solely for operating expenses; provided, that no more than \$4,500 shall be allotted in any fiscal year for the Headquarters Alabama National Guard ..	749,000	
(5) State General Fund-Active Military Service .....	113,610	
(6) State General Fund-Transfer to Armory Commission .....	<u>1,813,696</u>	
Total Military Department .....	<u>4,178,614</u>	<u>4,178,614</u>
62. B-Armory Commission of Alabama:		
(a) Military Operations Program		2,631,374
SOURCE OF FUNDS:		
(1) Transfer from Military Department .....	1,813,696	
(2) Federal, Local and Miscellaneous Funds .....	817,678	
The funds hereinabove appropriated to the Armory Commission shall be payable from the funds in the State Treasury to the credit of the Armory Commission and the appropriation hereinabove made includes the appropriation made for the care, maintenance, and construction of armories. Provided, however, that the last Federal Government service contract reimbursement shall not revert to the State General Fund. Any surplus remaining in the Armory Commission Fund at the end of the fiscal year in excess of \$50,000 shall be transferred to the State General Fund.		
Total Armory Commission of Alabama .....	<u>2,631,374</u>	<u>2,631,374</u>
63. Nursing Home Administrators, Board of Examiners of:		
(a) Professional and Occupational Licensing and Regulation Program .....		11,000
SOURCE OF FUNDS:		
(1) Board of Examiners of Nursing Home Administrators Fund ...	<u>11,000</u>	
Total Board of Examiners of Nursing Home Administrators .....	<u>11,000</u>	<u>11,000</u>



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64. Oil and Gas Board:

- (a) Management and Regulation of  
Oil and Gas Exploration and De-  
velopment Program ..... 836,094

SOURCE OF FUNDS:

- |                               |                |                |
|-------------------------------|----------------|----------------|
| (1) State General Fund .....  | <u>836,094</u> |                |
| Total Oil and Gas Board ..... | <u>836,094</u> | <u>836,094</u> |

65. Pardons and Parole, Board of:

- (a) Administration of Pardons and  
Paroles Program ..... 4,057,946

The appropriation to the Board of  
Pardons and Parole shall include  
a transfer to the State Personnel  
Department of \$9,869.

SOURCE OF FUNDS:

- |                                                       |                  |                  |                  |
|-------------------------------------------------------|------------------|------------------|------------------|
| (1) State General Fund .....                          | 2,526,921        |                  |                  |
| (2) Probationers Upkeep Fund ..                       |                  | 1,098,613        |                  |
| (3) Federal, Local and Miscellane-<br>ous Funds ..... |                  | <u>432,412</u>   |                  |
| Total Board of Pardons and Parole                     | <u>2,526,921</u> | <u>1,531,025</u> | <u>4,057,946</u> |

66. Peace Officers' Annuity and  
Benefit Fund, Alabama:

- (a) Retirement Systems Program ..... 170,715

SOURCE OF FUNDS:

- |                                                                                                                                  |                |                |
|----------------------------------------------------------------------------------------------------------------------------------|----------------|----------------|
| (1) Peace Officers' Annuity and<br>Benefit Fund as provided in Title<br>36, Chapter 21, Article 4, 1975<br>Code of Alabama ..... | <u>170,715</u> |                |
| Total Alabama Peace Officers' An-<br>nuity and Benefit Fund .....                                                                | <u>170,715</u> | <u>170,715</u> |

67. Pensions:

- (a) Social Services Program-For  
Confederate Veterans and their  
widows: Such an amount as may  
be necessary to pay all the pen-  
sions allowed to Confederate sol-  
diers and sailors and their  
widows.

SOURCE OF FUNDS:

- (1) Proceeds from the levy of the  
one mill tax as provided by Title  
40, Chapter 8, Section 361, 1975  
Code of Alabama.

68. Pensions and Security:

- |                                   |             |
|-----------------------------------|-------------|
| (a) Financial Assistance Program  | 115,680,637 |
| (b) Social Services Program ..... | 77,418,000  |

(c) Food Assistance Program . . . .	21,639,606
(d) Child Support Enforcement Program . . . . .	7,246,008
(e) Alabama Human Resources Board . . . . .	100,000

The appropriation to Pensions and Security shall include a transfer to the State Personnel Department of \$189,771.

#### SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds . . . . .	149,938,627		
(2) Liquor License Tax . . . . .	1,572,000		
(3) ABC Profits . . . . .	2,135,431		
(4) Whiskey Tax . . . . .	20,527,370		
(5) State General Fund . . . . .	5,000,000		
(6) Beer Tax . . . . .	7,213,360		
(7) Pension Residue . . . . .	6,845,000		
(8) Sales Tax . . . . .	1,322,000		
(9) Franchise Tax . . . . .	9,476,000		
(10) Contracts, Service Fees . . . .	364,144		
(11) Child Support Collections . .	1,574,119		
(12) Sales Tax for Food Stamps .	10,200,000		
(13) Cigarette Tax . . . . .	4,525,000		
(14) Contractor's Gross Receipts Tax . . . . .	1,387,000		
(15) Pension Fund . . . . .	4,200		
Total Pension and Security . . . . .	5,000,000	217,084,251	222,084,251

In addition to the above appropriation there is hereby appropriated \$6,000,000 to the Department of Pensions and Security to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

#### 69. Personnel Department, State:

(a) Administrative Support Program . . . . .	1,648,528
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#### SOURCE OF FUNDS:

(1) State General Fund-Transfer . . . . .	128,512		
(2) Federal, Local and Miscellaneous Funds . . . . .	259,000		
(3) Transfer from Department of Aeronautics . . . . .	196		
(4) Transfer from Commission on Aging . . . . .	982		

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(5) Transfer from Agriculture and Industries .....	17,725
(6) Transfer from Agricultural Center Board .....	392
(7) Transfer from Alcoholic Beverage Control Board .....	58,920
(8) Transfer from Board of Registration of Architects .....	98
(9) Transfer from State Banking Department .....	2,062
(10) Transfer from Finance-Alabama Building Authority ..	589
(11) Transfer from Finance-Alabama Building Finance Authority .....	491
(12) Transfer from Building Commission .....	98
(13) Transfer from Civil Defense Department .....	1,423
(14) Transfer from Coastal Area Board .....	245
(15) Transfer from Conservation Department .....	27,005
(16) Transfer from State Licensing Board For General Contractors	245
(17) Transfer from Board of Corrections .....	59,214
(18) Transfer from Board of Cosmetology .....	491
(19) Transfer from Criminal Justice Information Center .....	2,602
(20) Transfer from Alabama Dairy Commission .....	540
(21) Transfer from Alabama Development Office .....	3,093
(22) Transfer from State Docks ..	4,812
(23) Transfer from Education ...	67,905
(24) Transfer from Education Study Commission .....	98
(25) Transfer from Board of Registration for Professional Engineers and Land Surveyors ...	245
(26) Transfer from Firefighters Personnel Standards and Education Commission .....	196
(27) Transfer from Forestry Commission .....	19,983

(28) Transfer from Geological Survey .....	3,829
(29) Transfer from State Licensing Board for the Healing Arts ....	98
(30) Transfer from Health Department .....	100,605
(31) Transfer from Highway Department .....	232,144
(32) Transfer from Highway and Traffic Safety .....	491
(33) Transfer from Alabama Historical Commission .....	736
(34) Transfer from Industrial Relations .....	70,212
(35) Transfer from Insurance Department .....	2,749
(36) Transfer from Law Enforcement Planning Agency .....	2,602
(37) Transfer from Liquefied Petroleum Gas Board .....	147
(38) Transfer from Medical Services Administration .....	9,770
(39) Transfer from Department of Mental Health .....	284,289
(40) Transfer from Board of Nursing .....	540
(41) Transfer from Pardons and Paroles .....	9,869
(42) Transfer from Peace Officers Standards and Training Commission .....	98
(43) Transfer from Pensions and Security .....	189,771
(44) Transfer from Physical Fitness Commission .....	196
(45) Transfer from Board of Physical Therapy .....	49
(46) Transfer from Office of State Planning and Federal Programs .....	2,062
(47) Transfer from Public Library Service .....	2,700
(48) Transfer from Public Service Commission .....	3,829
(49) Transfer from Real Estate Commission .....	932

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(50) Transfer from Retirement Systems .....		4,320	
(51) Transfer from Department of Revenue .....		45,270	
(52) Transfer from Board of Social Work Examiners .....		49	
(53) Transfer from Surface Mining Reclamation Commission .....		982	
(54) Transfer from Department of Toxicology and Criminal Investigation .....		3,240	
(55) Transfer from Department of Youth Services .....		<u>19,787</u>	
Total State Personnel Department	<u>128,512</u>	<u>1,520,016</u>	<u>1,648,528</u>

70. Physical Therapy, Board of:

(a) Professional and Occupational Licensing and Regulation Program .....			19,800
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The appropriation to the Board of Physical Therapy shall include a transfer to the State Personnel Department of \$49.

SOURCE OF FUNDS:

(1) Physical Therapist Fund ....		<u>19,800</u>	
Total Board of Physical Therapy .		<u>19,800</u>	<u>19,800</u>

71. Planning and Federal Programs, Office of State:

(a) State Planning Program .....		6,708,430	
(b) Energy Management Program .....		10,310,000	
(c) Special Services Program .....		390,608	

The appropriation to the Office of State Planning and Federal Programs shall include a transfer to the State Personnel Department of \$2,062.

SOURCE OF FUNDS:

(1) State General Fund-Transfer	2,193,770		
(2) Federal, Local and Miscellaneous Funds .....		<u>15,215,268</u>	
Total Office of State Planning and Federal Programs .....	<u>2,193,770</u>	<u>15,215,268</u>	<u>17,409,038</u>

72. Prosecution Services, Office of:

(a) Prosecution, Training, Education and Management Program .....			131,591
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## SOURCE OF FUNDS:

(1) Federal, Local and Miscellaneous Funds .....	<u>131,591</u>	
Total Office of Prosecution Services .....	<u>131,591</u>	<u>131,591</u>

## 73. Psychology, Alabama Board of Examiners In:

(a) Professional and Occupational Licensing and Regulation Program .....		16,000
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## SOURCE OF FUNDS:

(1) Board of Examiners of Psychology Fund .....	<u>16,000</u>	
Total Alabama Board of Examiners in Psychology .....	<u>16,000</u>	<u>16,000</u>

## 74. Public Safety, Department of:

(a) Traffic Control and Accident Prevention Program .....		11,585,308
(b) Criminal Investigation Program .....		2,157,197
(c) Driver's Licensing and Improvement Program .....		5,510,515
(d) Public Safety Support Services Program .....		8,457,743
(e) Administrative Services Program .....		1,789,237
(f) Alabama Criminal Justice Training Center Program .....		1,600,000

## SOURCE OF FUNDS:

(1) State General Fund .....	30,520,000	
(2) State General Fund-Capital Outlay-Building and Equipping .....	<u>580,000</u>	
Total Department of Public Safety .....	<u>31,100,000</u>	<u>31,100,000</u>

## 75. Public Service Commission:

(a) Administrative Services Program .....		543,580
(b) Regulatory Services Program .....		2,956,420

The appropriation to the Public Service Commission shall include a transfer to the State Personnel Department of \$3,829.

## SOURCE OF FUNDS:

(1) Public Service Commission Fund .....	3,500,000	
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The above appropriations to the Alabama Public Service Commission shall be payable only from inspection and supervision fees paid by utilities and transportation companies and such parts or percentage of fees and taxes paid by motor carrier or motor transportation companies as are now or may be set aside by law to be used by the Commission. Any surplus remaining in the Alabama Public Service Commission Fund at the end of the fiscal year in excess of \$500,000 shall be transferred to the State General Fund.

Total Public Service Commission	<u>3,500,000</u>	<u>3,500,000</u>
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**76. Real Estate Commission, Alabama.**

(a) Professional and Occupational Licensing and Regulation Program .....		600,000
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The appropriation to the Alabama Real Estate Commission shall include a transfer to the State Personnel Department of \$932.

**SOURCE OF FUNDS:**

(1) Alabama Real Estate commission Fund-as provided in Title 34, Chapter 27, 1975 Code of Alabama, as amended and the total expenditures shall in no manner exceed the amounts hereby appropriated .....	<u>600,000</u>	
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Total Alabama Real Estate Commission .....	<u>600,000</u>	<u>600,000</u>
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**77. Retirement System of Alabama, Employees' (General Fund Share):**

(a) Retirement System Program, Estimated .....		7,754,674
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**SOURCE OF FUNDS:**

(1) State General Fund-Estimated	<u>7,754,674</u>	
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Total Employees' Retirement System of Alabama (General Fund Share) .....	<u>7,754,674</u>	<u>7,754,674</u>
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**78. Revenue Department:**

(a) State Revenue Administration Program .....		21,622,498
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The appropriation to the Revenue Department shall include a transfer to the State Personnel Department of \$45,270.

**SOURCE OF FUNDS:**

(1) State General Fund-as provided in Title 40, Chapter 7, Article 2, Division 1, 1975 Code of Alabama, to maintain a program for the equalization of ad valorem tax assessments .....	250,000
(2) Transfer from the gross proceeds of Cigarette Tax Collections, Title 40, Chapter 25, Section 2 and 23, 1975 Code of Alabama .....	295,290
(3) Transfer from the gross proceeds of Financial Institution Excise Tax Collections .....	229,890
(4) Transfer from the gross proceeds of the Forest Severance Tax Collections .....	195,605
(5) Transfer from the gross proceeds of Gasoline Tax Collections .....	1,533,924
(6) Transfer from the Income Tax Collections .....	5,102,655
(7) Transfer from the gross proceeds of Motor Fuel Tax Collections .....	885,871
(8) Transfer from the gross proceeds of Motor Vehicle License Collections .....	895,780
(9) Transfer from the Pension Fund as part of the cost of collections of the 1-mill Ad Valorem Tax .....	273,490
(10) Transfer from the Public School Fund as part of the cost of collections of the 3-Mill Ad Valorem Tax .....	675,798
(11) Transfer from the gross proceeds of Sales Tax Collections ..	7,115,921
(12) Transfer from the gross proceeds of the Tobacco Tax Collections .....	1,460,597
(13) Transfer from the gross proceeds of Use Tax Collections ..	697,598
(14) Transfer from the gross proceeds of the Utility Tax .....	



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Collections-as provided in Title  
40, Chapter 21, Article 4, 1975  
Code of Alabama .....

455,817

(15) Federal, Local and Miscel-  
laneous Funds .....

1,554,262

The amounts hereinabove appro-  
priated for the cost of mainte-  
nance and operations of the De-  
partment of Revenue are in lieu  
of any other statutory provisions  
for the payment of the cost of  
operating said Department or  
collections of the taxes as au-  
thorized by law.

Provided, however, in addition to  
the amount hereinabove appro-  
priated, there is hereby appro-  
priated to the Department of  
Revenue all sums allowed the  
Department of Revenue by local  
Acts of the Legislature as a  
charge for the collection of taxes  
or licenses.

Total Revenue Department .....	250,000	21,372,498	21,622,498
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79. Revenue-Auto Title and An-  
titheft:

(a) State Revenue Administration  
Program .....

937,500

SOURCE OF FUNDS:

(1) State General Fund-Transfer .....	937,500
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Total Revenue-Auto Title and An- titheft .....	937,500
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937,500

80. Revenue-Boards of Equaliza-  
tion:

(a) State Revenue Administration  
Program .....

136,800

SOURCE OF FUNDS:

(1) State General Fund .....	136,800
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Total Revenue-Boards of Equaliza- tion .....	136,800
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136,800

81. Revenue-Motor Vehicle  
License:

(a) State Revenue Administration  
Program .....

1,918,050

SOURCE OF FUNDS:

(1) Transfer from the gross pro-  
ceeds of Motor Vehicle License

Collections for the purchase only of Motor Vehicle License Tags .	<u>1,918,050</u>	
Total Revenue-Motor Vehicle License .....	<u>1,918,050</u>	<u>1,918,050</u>
82. Richmond P. Hobson Memorial Board:		
(a) Historical Resources Manage- ment Program .....		7,270
SOURCE OF FUNDS:		
(1) State General Fund-as pro- vided in Title 41, Chapter 9, Sec- tion 221, 1975 Code of Alabama, and an additional amount .....	<u>7,270</u>	
Total Richmond P. Hobson Board	<u>7,270</u>	<u>7,270</u>
83. Sanitarians, Board of Regis- tration for:		
(a) Professional and Occupational Licensing and Regulation Pro- gram .....		3,700
SOURCE OF FUNDS:		
(1) Registration Board of Sanita- rians Fund-as provided in Title 34, Chapter 28, 1975 Code of Al- abama .....	<u>3,700</u>	
Total Board of Registration for Sanitarians .....	<u>3,700</u>	<u>3,700</u>
84. Secretary of State:		
(a) Administration Support Ser- vices Program .....		365,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>365,000</u>	
Total Secretary of State .....	<u>365,000</u>	<u>365,000</u>
85. Securities Commission:		
(a) Regulatory Services Program		475,314
SOURCE OF FUNDS:		
(1) State General Fund .....	390,314	
(2) Federal, Local and Miscellane- ous Funds .....		60,619
(3) Sales of Checks License Fund		7,381
(4) Exemption Fund .....	<u>17,000</u>	
Total Securities Commission ....	<u>390,314</u>	<u>475,314</u>

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86. Social Security Agency:

(a) Administrative Support Services Program .....	231,950
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SOURCE OF FUNDS:

(1) State General Fund .....	221,502		10,448	
(2) Contribution Fund .....			10,448	
Total Social Security Agency ....	221,502		10,448	231,950

87. Social Work Examiners,  
Alabama State Board  
of:

(a) Professional and Occupational Licensing and Regulation Program .....	43,500
--------------------------------------------------------------------------	--------

The appropriation to the Alabama State Board of Social Work Examiners shall include a transfer to the State Personnel Department of \$49.

SOURCE OF FUNDS:

(1) Alabama State Board of Social Work Examiners Fund-as provided in Title 34, Chapter 30, 1975 Code of Alabama .....		43,500	
Total Alabama State Board of Social Work Examiners .....		43,500	43,500

88. Soil and Water Conservation Committee, Alabama State:

(a) Water Resource Development Program .....	415,235
(b) Soil Survey .....	100,000

SOURCE OF FUNDS:

(1) State General Fund .....	515,235	
Total Alabama State Soil and Water Conservation Committee .....	515,235	515,235

89. Southern Growth Policies Board:

(a) Special Services Program ....	25,300
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SOURCE OF FUNDS:

(1) State General Fund .....	25,300	
Total Southern Growth Policies Board .....	25,300	25,300

90. Space Science Exhibit Commission, Alabama:

(a) Tourism and Travel Promotion Program .....			2,977,760
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## SOURCE OF FUNDS:

(1) State General Fund-Capital Outlay .....	400,000		
(2) Federal, Local and Miscellaneous Funds .....		<u>2,577,760</u>	
Total Alabama Space Science Exhibit Commission .....	<u>400,000</u>	<u>2,577,760</u>	<u>2,977,760</u>

## 91. Speech Pathology and Audiology, Alabama Board of Examiners for:

(a) Professional and Occupational Licensing and Regulation Program .....			12,000
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## SOURCE OF FUNDS:

(1) Alabama Board of Examiners for Speech Pathology and Audiology Fund-as provided in Title 34, Chapter 28A, 1975 Code of Alabama .....		<u>12,000</u>	
Total Alabama Board of Examiners for Speech Pathology and Audiology .....		<u>12,000</u>	<u>12,000</u>

## 92. Surface Mining Reclamation Commission:

(a) Industrial Safety and Accident Prevention Program .....			1,828,900
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The appropriation to the Surface Mining Reclamation Commission shall include a transfer to the State Personnel Department of \$982.

## SOURCE OF FUNDS:

(1) Surface Mining Reclamation Commission Fund-as provided by Title 9, Chapter 16, Article 2, 1975 Code of Alabama. All fees and charges, grants, gifts, fines, bond forfeitures or other monies received under the above act, in addition to the appropriation herein made, are appropriated to the Surface Mining Reclamation Commission .....		<u>1,828,900</u>	
Total Surface Mining Reclamation Commission .....		<u>1,828,900</u>	<u>1,828,900</u>

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93. Tannehill Historical State  
Park:

(a) Historical Resources Management Program .....	778,000
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SOURCE OF FUNDS:

(1) State General Fund .....	200,000			
(2) Federal, Local and Miscellaneous Funds .....		<u>578,000</u>		
Total Tannehill Historical State Park .....	<u>200,000</u>	<u>578,000</u>		<u>778,000</u>

94. Tennessee-Tombigbee Waterway Development Authority:

(a) Water Resource Development Program .....	474,951
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SOURCE OF FUNDS:

(1) State General Fund-as provided in Title 33, Chapter 8, 1975 Code of Alabama as amended .	140,000			
(2) Federal, Local and Miscellaneous Funds .....		<u>334,951</u>		
Total Tennessee-Tombigbee Waterway Development Authority .....	<u>140,000</u>	<u>334,951</u>		<u>474,951</u>

95. Toxicology and Criminal Investigation, Alabama Department of:

(a) Forensic Science Services Program .....	2,846,500
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The appropriation to the Alabama Department of Toxicology and Criminal Investigation shall include a transfer to the State Personnel Department of \$3,240.

SOURCE OF FUNDS:

(1) State General Fund .....	1,955,000			
(2) State General Fund-Transfer-Capital Outlay .....	700,000			
(3) Federal, Local and Miscellaneous Funds .....		<u>191,500</u>		
Total Alabama Department of Toxicology and Criminal Investigation .....	<u>2,655,000</u>	<u>191,500</u>		<u>2,846,500</u>

In addition to the above appropriation there is hereby appropriated

\$200,000 to the Department of Toxicology and Criminal Investigation to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

96. Treasurer, State:

(a) Fiscal Management Program 864,500

SOURCE OF FUNDS:

(1) State General Fund ..... 864,500

Total State Treasurer ..... 864,500 864,500

97. Uniform State Laws, Commission on:

(a) Special Services Program .... 4,275

SOURCE OF FUNDS:

(1) State General Fund-as provided in Title 41, Chapter 9, Article 12, 1975 Code of Alabama . 4,275

Total Commission on Uniform State Laws ..... 4,275 4,275

98. Veterans Affairs, Department of:

(a) Administration of Veterans Affairs Program ..... 1,696,430

SOURCE OF FUNDS:

(1) State General Fund ..... 1,696,430

Total Department of Veterans Affairs ..... 1,696,430 1,696,430

99. Veterinary Medical Examiners, Alabama State Board of:

(a) Professional and Occupational Licensing and Regulation Program ..... 10,925

SOURCE OF FUNDS:

(1) State Board of Veterinary Medical Examiners Fund-as provided in Title 34, Chapter 29, 1975 Code of Alabama ..... 10,925

Total Alabama State Board of Veterinary Medical Examiners ... 10,925 10,925

100. Water and Waste Water Systems Personnel, Board of Certification for:

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(a) Professional and Occupational Licensing and Regulation Pro- gram .....	4,800
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SOURCE OF FUNDS:

(1) Operators Certification Fund- as provided in Title 22, Chapter 25, 1975 Code of Alabama .....	4,800
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Total Board of Certification for Water and Waste Water Systems Personnel .....	4,800	4,800
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101. Water Well Standards  
Board, Alabama:

(a) Professional and Occupational Licensing and Regulation Pro- gram .....	51,000
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SOURCE OF FUNDS:

(1) Well Digger's Licensing Fund-as provided in Title 22, Chapter 24, 1975 Code of Ala- bama .....	51,000
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Total Alabama Water Well Stan- dards Board .....	51,000	51,000
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102. Women's Commission, Ala-  
bama:

(a) Employment and Social Oppor- tunities Program .....	10,300
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SOURCE OF FUNDS:

(1) State General Fund .....	10,300	
Total Alabama Women's Commis- sion .....	10,300	10,300

D. Other Functions of Government  
Funded From the General Fund:

1. Advertising Lands for Tax Sale:

(a) State Revenue Administration Program, Estimated .....	45,000
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SOURCE OF FUNDS:

(1) State General Fund .....	45,000	
Total Advertising Lands for Tax Sale .....	45,000	45,000

2. Arrest of Absconding felons:

(a) Criminal Investigation Pro- gram, Estimated .....	51,000
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SOURCE OF FUNDS:

(1) State General Fund .....	51,000
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Total Arrest of Absconding Felons	<u>51,000</u>	<u>51,000</u>
3. Automatic Appeal Expense:		
(a) Legal Advice and Legal Service Program, Estimated .....		1,700
SOURCE OF FUNDS:		
(1) State General Fund as provided in Title 12, Chapter 22, Sections 150 and 241, 1975 Code of Ala- bama .....	<u>1,700</u>	
Total Automatic Appeal Expense	<u>1,700</u>	<u>1,700</u>
4. Civil Court Costs in Connection with Ad Valorem Tax Assess- ments Appeals:		
(a) State Revenue Administration Program, Estimated .....		200
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>200</u>	
Total Civil Court Costs in Con- nection with Ad Valorem Tax As- sessments Appeals .....	<u>200</u>	<u>200</u>
5. Consumer Utility Rate Hearing:		
(a) Executive Direction Program		250,000
SOURCE OF FUNDS:		
(1) State General Fund as provided in Title 37, Chapter 1, Article 1, 1975 Code of Alabama .....	<u>250,000</u>	
Total Consumer Utility Rate Hear- ing .....	<u>250,000</u>	<u>250,000</u>
6. Court Costs-Act No. 558, 1957:		
(a) Court Operations Program, Es- timated .....		50,000
SOURCE OF FUNDS:		
(1) State General Fund pursuant to Act No. 558, 1957, page 777	<u>50,000</u>	
Total Court Costs-Act No. 558, 1957 .....	<u>50,000</u>	<u>50,000</u>
7. Courts Costs Not Otherwise Provided For:		
(a) Legal Advice and Legal Service Program, Estimated ...		670,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>670,000</u>	



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Total Court Costs Not Otherwise Provided For .....	670,000	670,000
8. Distribution of Public Documents:		
(a) Administrative Support Service Program, Estimated .....		1,500
SOURCE OF FUNDS:		
(1) State General Fund .....	1,500	
Total Distribution of Public Documents .....	1,500	1,500
9. Election Expenses:		
(a) Special Services Program, Estimated .....		500,000
SOURCE OF FUNDS:		
(1) State General Fund .....	500,000	
Total Election Expenses .....	500,000	500,000
10. Emergency Fund, Departmental:		
(a) Special Services Program ....		450,000
SOURCE OF FUNDS:		
(1) State General Fund		
(This is the appropriation contemplated in Title 41, Chapter 4, Section 94, Code of Alabama 1975, and shall be the only amount appropriated and the total amount expended under the provisions of said section) .....	450,000	
Total Departmental Emergency Fund .....	450,000	450,000
11. Fair Trial Tax Transfer:		
(a) Court Operations Program ..		100,000
SOURCE OF FUNDS:		
(1) State General Fund .....	100,000	
Total Fair Trial Tax Transfer ...	100,000	100,000
12 Feeding of Prisoners:		
(a) Institutional Services Corrections Program, Estimated .....		3,000,000
SOURCE OF FUNDS:		
(1) State General Fund for expenses of feeding prisoners in county jails .....	3,000,000	
Total Feeding of Prisoners .....	3,000,000	3,000,000

## 13. General Government:

## SOURCE OF FUNDS:

(1) Federal Revenue Sharing . . . .	<u>12,500,000</u>	
Total General Government . . . . .	<u>12,500,000</u>	<u>12,500,000</u>

## 14. Governors' Conference, National:

(a) Executive Direction Program		40,892
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## SOURCE OF FUNDS:

(1) State General Fund . . . . .	<u>40,892</u>	
Total National Governors' Conference . . . . .	<u>40,892</u>	<u>40,892</u>

## 15. Governor's Councillor:

(a) Executive Direction Program		36,000
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## SOURCE OF FUNDS:

(1) State General Fund as provided in Title 36, Chapter 13, Section 13, 1975 Code of Alabama . . . .	<u>36,000</u>	
Total Governor's Councillor . . . . .	<u>36,000</u>	<u>36,000</u>

## 16. Governor's Proclamation Expenses:

(a) Executive Direction Program		150,000
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## SOURCE OF FUNDS:

(1) State General Fund . . . . .	<u>150,000</u>	
Total Governor's Proclamation Expenses . . . . .	<u>150,000</u>	<u>150,000</u>

## 17. Governors' Widows Retirement:

(a) Executive Direction Program		14,400
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## SOURCE OF FUNDS:

(1) State General Fund . . . . .	<u>14,400</u>	
Total Governors' Widows Retirement . . . . .	<u>14,400</u>	<u>14,400</u>

## 18. Insurance, State Employees':

(a) Administrative Support Service Program, Estimated . . . . .		2,100,000
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## SOURCE OF FUNDS:

(1) State General Fund, Estimated . . . . .	<u>2,100,000</u>	
Total State Employees' Insurance	<u>2,100,000</u>	<u>2,100,000</u>

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19. Interpreter's Account:

(a) Court Support Services Program, Estimated ..... 1,000

SOURCE OF FUNDS:

(1) State General Fund as provided  
in Title 12, Chapter 21, Sections  
131-134, 1975 Code of Alabama ..... 1,000

Total Interpreter's Account ..... 1,000

20. Law Enforcement Fund:

(a) Special Police Services Program ..... 9,000

SOURCE OF FUNDS:

(1) State General Fund-Transfer ..... 9,000

Total Law Enforcement Fund ... 9,000

21. Law Enforcement Legal Defense:

(a) Legal Advice and Legal Service Program ..... 5,000

SOURCE OF FUNDS:

(1) State General Fund to carry out  
provisions of Act No. 259, 1957  
Regular Session ..... 5,000

Total Law Enforcement Legal Defense ..... 5,000

22. Legislatures, Nat'l. Conference of State:

(a) Legislative Operations and Support Program ..... 43,390

SOURCE OF FUNDS:

(1) State General Fund ..... 43,390

Total National Conference of State Legislators ..... 43,390

23. Mailing Tax Notices:

(a) State Revenue Administration Program, Estimated ..... 1,000

SOURCE OF FUNDS:

(1) State General Fund ..... 1,000

Total Mailing Tax Notices ..... 1,000

24. Matching Federal Funds Not Otherwise Provided For:

(a) Court Operations Program .. 90,000

## SOURCE OF FUNDS:

(1) State General Fund .....	<u>90,000</u>	
Total Matching Federal Funds Not Otherwise Provided For .....	<u>90,000</u>	<u>90,000</u>

25. Mental Health Fund, Alabama Special: .....		22,562,500
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## SOURCE OF FUNDS:

(1) State General Fund Transfer .....	<u>22,562,500</u>	
Total Alabama Special Mental Health Fund .....	<u>22,562,500</u>	<u>22,562,500</u>

26. Printing of Legislative Acts  
and Journals:

(a) Administrative Support Ser- vices Program, Estimated .....		163,300
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>163,300</u>	
Total Printing of Legislative Acts and Journals .....	<u>163,300</u>	<u>163,300</u>

27. Printing of State and County  
Privilege Licenses:

(a) State Revenue Administration Program .....		11,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>11,000</u>	
Total Printing of State and County Privilege Licenses .....	<u>11,000</u>	<u>11,000</u>

## 28. Public Defenders:

(a) Court Operations Program ..		33,000
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## SOURCE OF FUNDS:

(1) State General Fund for salaries of Public Defenders for the 21st Judicial Circuit, as provided by Act No. 1158, 1969 Regular Ses- sion .....	<u>33,000</u>	
Total Public Defenders .....	<u>33,000</u>	<u>33,000</u>

## 29. Registration of Voters:

(a) Special Services Program, Es- timated .....		600,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>600,000</u>	
Total Registration of Voters .....	<u>600,000</u>	<u>600,000</u>

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30. Removal of Prisoners:

(a) Special Police Services Program, Estimated .....	105,000
------------------------------------------------------	---------

SOURCE OF FUNDS:

(1) State General Fund .....	105,000	
Total Removal of Prisoners .....	105,000	105,000

31. Social Security (General Fund Share):

(a) Administrative Support Service Program, Estimated .....	3,700,000
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) State General Fund .....	3,700,000	
Total Social Security (General Fund Share) .....	3,700,000	3,700,000

32. State Treasurer-Previous Year's Unpaid Warrants:

(a) Special Services Program, Estimated .....	136,000
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SOURCE OF FUNDS:

(1) State General Fund .....	136,000	
Total State Treasurer-Previous Years Unpaid Warrants .....	136,000	136,000

E. Financial Assistance to Non-State Agencies:

1. Amos Alonzo Stagg Bowl:

(a) Tourism and Travel Promotion Program .....	3,850
------------------------------------------------	-------

SOURCE OF FUNDS:

(1) State General Fund .....	3,850	
Total Amos Alonzo Stagg Bowl ..	3,850	3,850

2. Appalachian Regional Commission:

(a) Planning Program .....	168,625
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SOURCE OF FUNDS:

(1) State General Fund .....	168,625	
Total Appalachian Regional Commission .....	168,625	168,625

3. Armed Forces Day in Alabama:

(a) Historical Resources Management Program .....	1,150
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,150</u>	
Total Armed Forces Day in Alabama .....	<u>1,150</u>	<u>1,150</u>

## 4. Azalea Trail Festival, Mobile:

(a) Tourism and Travel Promotion Program .....		2,140
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,140</u>	
Total Mobile Azalea Trail Festival .....	<u>2,140</u>	<u>2,140</u>

## 5. Big Nance Creek Water Management District:

(a) Water Resource Development Program .....		1,925
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>1,925</u>	
Total Big Nance Creek Water Management District .....	<u>1,925</u>	<u>1,925</u>

## 6. Birmingham Chamber Music Society:

(a) Fine Arts Program .....		2,140
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>2,140</u>	
Total Birmingham Chamber Music Society .....	<u>2,140</u>	<u>2,140</u>

## 7. Birmingham Festival of Arts, Inc.:

(a) Fine Arts Program .....		21,380
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>21,380</u>	
Total Birmingham Festival of Arts, Inc. ....	<u>21,380</u>	<u>21,380</u>

## 8. Birmingham Sickie Cell:

(a) Sickie Cell Education Program .....		30,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>30,000</u>	
Total Birmingham Sickie Cell ...	<u>30,000</u>	<u>30,000</u>

## 9. Blue and Gray Association, Inc.:

(a) Tourism and Travel Promotion Program .....		7,700
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SOURCE OF FUNDS:

(1) State General Fund .....	7,700	
Total Blue and Gray Association, Inc. ....	7,700	7,700

10. Chilton County Peach Festival:

(a) Tourism and Travel and Promotion Program .....		6,400
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SOURCE OF FUNDS:

(1) State General Fund .....	6,400	
Total Chilton County Peach Festival .....	6,400	6,400

11. Choccolocco Creek Watershed Association:

(a) Water Resource Development Program .....		3,000
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SOURCE OF FUNDS:

(1) State General Fund .....	3,000	
Total Choccolocco Creek Watershed Association .....	3,000	3,000

12. Choctawhatchee River Watershed Association, Southeast:

(a) Water Resources Development Program .....		1,925
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SOURCE OF FUNDS:

(1) State General Fund .....	1,925	
Total Southeast Choctawhatchee River Watershed Association ..	1,925	1,925

13. Civil Air Patrol:

(a) Readiness and Recovery Program .....		30,000
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SOURCE OF FUNDS:

(1) State General Fund .....	30,000	
Total Civil Air Patrol .....	30,000	30,000

14. Coosa-Alabama River Improvement Association:

(a) Water Resource Development Program .....		10,700
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SOURCE OF FUNDS:

(1) State General Fund .....	10,700	
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Total Coosa-Alabama River Improvement Association .....	<u>10,700</u>	<u>10,700</u>
15. Coosa River Action Council, Inc.:		
(a) Water Resource Development Program .....		8,550
SOURCE OF FUNDS:		
(1) State General Fund .....	8,550	
Total Coosa River Action Council, Inc. ....	<u>8,550</u>	<u>8,550</u>
16. Deep Sea Fishing Rodeo, Alabama:		
(a) Tourism and Travel Promotion Program .....		1,285
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,285</u>	
Total Alabama Deep Sea Fishing Rodeo .....	<u>1,285</u>	<u>1,285</u>
17. Dynne Creek Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>1,925</u>	
Total Dynne Creek Watershed Cons. Dist. ....	<u>1,925</u>	<u>1,925</u>
18. Elk River Development Agency:		
(a) Water Resource Development Program .....		6,400
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>6,400</u>	
Total Elk River Development Agency .....	<u>6,400</u>	<u>6,400</u>
19. Elyton Recovery Center:		
(a) Non-Institutional Treatment and Care Program .....		155,000
SOURCE OF FUNDS:		
(1) State General Fund-Capital Improvement .....	<u>155,000</u>	
Total Elyton Recovery Center ...	<u>155,000</u>	<u>155,000</u>



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20. Energy Board, Southern States:

(a) Discovery and Development of Mineral, Energy and Water Resources, Geologic Research and Topographic Mapping Program	21,171
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SOURCE OF FUNDS:

(1) State General Fund .....	21,171	
Total Southern States Energy Board .....	21,171	21,171

21. Federation of Southern Cooperatives:

(a) Tourism and Travel Promotion Program .....	8,550
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(For Miss Black Alabama Pageant)

SOURCE OF FUNDS:

(1) State General Fund .....	8,550	
Total Federation of Southern Cooperatives .....	8,550	8,550

22. Forest Festival, Alabama:

(a) Forest Information and Education Program .....	4,275
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SOURCE OF FUNDS:

(1) State General Fund .....	4,275	
Total Alabama Forest Festival ..	4,275	4,275

23. Geneva County Tomato Festival:

(a) Tourism and Travel Promotion Program .....	4,275
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SOURCE OF FUNDS:

(1) State General Fund .....	4,275	
Total Geneva County Tomato Festival .....	4,275	4,275

24. George Lindsey Celebrity Benefit, Inc.:

(a) Tourism and Travel Promotion Program .....	8,550
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SOURCE OF FUNDS:

(1) State General Fund .....	8,550	
Total George Lindsey Celebrity Benefit, Inc. ....	8,550	8,550

## 25. Gulf Shores Tourist Association:

(a) Tourism and Travel Promotion Program .....	11,543
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>11,543</u>
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Total Gulf Shores Tourist Association .....	<u>11,543</u>	<u>11,543</u>
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## 26. Guntersville Boat Races:

(a) Tourism and Travel Promotion Program .....	7,310
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>7,310</u>
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Total Guntersville Boat Races ...	<u>7,310</u>	<u>7,310</u>
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## 27. Hank Williams Memorial Association:

(a) Historical Resources Management Program .....	4,275
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>4,275</u>
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Total Hank Williams Memorial Association .....	<u>4,275</u>	<u>4,275</u>
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## 28. Helen Keller Property Board:

(a) Historical Resources Management Program .....	25,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>25,000</u>
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Total Helen Keller Property Board	<u>25,000</u>	<u>25,000</u>
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## 29. Interstate Mining Commission:

(a) Planning Program .....	8,901
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>8,901</u>
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Total Interstate Mining Commission .....	<u>8,901</u>	<u>8,901</u>
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## 30. Junior Miss Pageant, Inc., America's:

(a) Tourism and Travel Promotion Program .....	33,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	<u>33,000</u>
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Total America's Junior Miss Pageant, Inc. ....	33,000	33,000
31. Ketchepedrakee Creek Watershed Conservancy District:		
(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	1,925	
Total Ketchepedrakee Creek Watershed Conservancy District .....	1,925	1,925
32. Lake Eufaula Summer Spectacular:		
(a) Tourism and Travel Promotion Program .....		7,700
SOURCE OF FUNDS:		
(1) State General Fund .....	7,700	
Total Lake Eufaula Summer Spectacular .....	7,700	7,700
33. Mobile Carnival Association:		
(a) Tourism and Travel Promotion Program .....		3,848
SOURCE OF FUNDS:		
(1) State General Fund .....	3,848	
Total Mobile Carnival Association .....	3,848	3,848
34. Mountain Lakes Tourist Association, Alabama:		
(a) Tourism and Travel Program .....		19,665
SOURCE OF FUNDS:		
(1) State General Fund .....	19,665	
Total Alabama Mountain Lakes Tourist Association .....	19,665	19,665
35. Pea River Historical and Genealogical Society:		
(a) Historical Resources Management Program .....		4,275
SOURCE OF FUNDS:		
(1) State General Fund .....	4,275	
Total Pea River Historical and Genealogical Society .....	4,275	4,275
36. Pea River Watershed Conservancy District:		

(a) Water Resource Development Program .....		1,925
SOURCE OF FUNDS:		
(1) State General Fund .....	1,925	
Total Pea River Watershed Conservancy District .....	1,925	1,925
37. Peanut Festival Association, Inc., National:		
(a) Tourism and Travel Promotion Program .....		10,260
SOURCE OF FUNDS:		
(1) State General Fund .....	10,260	
Total National Peanut Festival Association, Inc. ....	10,260	10,260
38. Pike County Pioneer Museum Association:		
(a) Historical Resources Management Program .....		4,275
SOURCE OF FUNDS:		
(1) State General Fund .....	4,275	
Total Pike County Pioneer Museum Association .....	4,275	4,275
39. Pimento Festival:		
(a) Tourism and Travel Promotion Program .....		855
SOURCE OF FUNDS:		
(1) State General Fund .....	855	
Total Pimento Festival .....	855	855
40. Riverboat Commission, Inc., Montgomery:		
(a) Tourism and Travel Promotion Program .....		19,250
SOURCE OF FUNDS:		
(1) State General Fund .....	19,250	
Total Montgomery Riverboat Commission, Inc. ....	19,250	19,250
41. Shakespeare Festival, Alabama:		
(a) Fine Arts Program .....		6,410
SOURCE OF FUNDS:		
(1) State General Fund .....	6,410	

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Total <b>Alabama Shakespeare Festival</b> .....	<u>6,410</u>	<u>6,410</u>
42. Southern Championship Charity Horseshow:		
(a) Tourism and Travel Promotion Program .....		4,275
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>4,275</u>	
Total Southern Championship Charity Horseshow .....	<u>4,275</u>	<u>4,275</u>
43. Spirit of America Festival, Inc.:		
(a) Tourism and Travel Promotion Program .....		3,850
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>3,850</u>	
Total Spirit of America Festival, Inc. ....	<u>3,850</u>	<u>3,850</u>
44. Sports Hall of Fame:		
(a) Historical Resources Management Program .....		28,500
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>28,500</u>	
Total Sports Hall of Fame .....	<u>28,500</u>	<u>28,500</u>
45. Steer Show Association, Alabama State:		
(a) Agricultural Development Services Program .....		15,000
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>15,000</u>	
Total Alabama State Steer Show Association .....	<u>15,000</u>	<u>15,000</u>
46. Tallacoosa Highland Lakes Association:		
(a) Tourism and Travel Promotion Program .....		7,700
SOURCE OF FUNDS:		
(1) State General Fund .....	<u>7,700</u>	
Total Tallacoosa Highland Lakes Association .....	<u>7,700</u>	<u>7,700</u>

47. Tallasseehatchie Creek  
Watershed Conservancy Dis-  
trict:

(a) Water Resource Development  
Program .....

1,700

SOURCE OF FUNDS:

(1) State General Fund .....

1,700

Total Tallasseehatchie Creek Wa-  
tershed Conservancy District ..

1,700

1,700

48. Tennessee River Valley Asso-  
ciation:

(a) Water Resources Development  
Program .....

11,970

SOURCE OF FUNDS:

(1) State General Fund .....

11,970

Total Tennessee River Valley As-  
sociation .....

11,970

11,970

49. Tennessee Valley Publicity  
and Improvement Association:

(a) Tourism and Travel Promotion  
Program .....

34,200

SOURCE OF FUNDS:

(1) State General Fund .....

34,200

Total Tennessee Valley Publicity  
and Improvement Association ..

34,200

34,200

50. Terrapin Creek Watershed  
Conservancy District:

(a) Water Resource Development  
Program .....

1,925

SOURCE OF FUNDS:

(1) State General Fund .....

1,925

Total Terrapin Creek Watershed  
Conservancy District .....

1,925

1,925

51. Travel Council, Alabama:

(a) Tourism and Travel Promotion  
Program .....

34,200

SOURCE OF FUNDS:

(1) State General Fund .....

34,200

Total Alabama Travel Council ..

34,200

34,200

52. Tri-Rivers Waterway Devel-  
opment Association:

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(a) Water Resource Development Program .....		23,085
SOURCE OF FUNDS:		
(1) State General Fund .....	23,085	
Total Tri-Rivers Waterway Development Association .....	23,085	23,085
53. Vestavia Hills Dogwood Festival and Trail:		
(a) Tourism and Travel Promotion Program .....		855
SOURCE OF FUNDS:		
(1) State General Fund .....	855	
Total Vestavia Hills Dogwood Festival and Trail .....	855	855
54. Veterans Day Committee, National:		
(a) Historical Resources Management Program .....		5,990
SOURCE OF FUNDS:		
(1) State General Fund .....	5,990	
Total National Veterans Day Committee .....	5,990	5,990
55. Veterans Day in Alabama:		
(a) Historical Resources Management Program .....		1,710
SOURCE OF FUNDS:		
(1) State General Fund .....	1,710	
Total Veterans Day in Alabama .....	1,710	1,710
56. Women's Hall of Fame, Alabama:		
(a) Historical Resources Management Program .....		5,815
SOURCE OF FUNDS:		
(1) State General Fund .....	5,815	
Total Alabama Women's Hall of Fame .....	5,815	5,815
57. Y.M.C.A. Youth Legislature:		
(a) Special Services Program ....		10,000
SOURCE OF FUNDS:		
(1) State General Fund .....	10,000	
Total Y.M.C.A. Youth Legislature .....	10,000	10,000

## 58. Cahaba Historical Commission:

(a) Historical Resources Management Program .....		6,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	6,000	
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Total Cahaba Historical Commission .....	6,000	<u>6,000</u>
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## 59. Motor Sports Hall of Fame:

(a) Tourism and Travel Promotion Program .....		75,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	75,000	
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Total Motor Sports Hall of Fame .....	75,000	<u>75,000</u>
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## 60. Army Aviation Museum, Fort Rucker, Ala.

(a) Historical Resources Management Program .....		75,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	75,000	
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Total Army Aviation Museum, Fort Rucker .....	75,000	<u>75,000</u>
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## 61. Dorse, Mary E., Recreational and Educational Center:

(a) Financial Assistance Program .....		5,000
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## SOURCE OF FUNDS:

(1) State General Fund .....	5,000	
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Total Mary E. Dorse Recreational and Educational Center .....	5,000	<u>5,000</u>
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## F. Debt Service Funded from the General Fund:

1. General Obligation Capital Improvement Bonds, Series A and B, Estimated .....		1,141,188
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## SOURCE OF FUNDS:

(1) State General Fund, Series A and B, Estimated .....	1,141,188	
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Total General Obligation Capital Improvement Bonds, Series A and B, Estimated .....	1,141,188	<u>1,141,188</u>
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2. General Obligation Coosa Waterway Bonds, Series A, Estimated .....		650,848
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SOURCE OF FUNDS:

(1) State General Fund .....	650,848	
Total General Obligation Coosa Waterway Bonds, Series A, Es- timated .....	650,848	650,848
3. General Obligation Docks Facilities Bonds, Series A and B, Estimated .....		2,899,600

SOURCE OF FUNDS:

(1) State General Fund .....	2,899,600	
Total General Obligation Docks Facilities Bonds, Series A and B, Estimated .....	2,899,600	2,899,600
4. General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....		613,200

SOURCE OF FUNDS:

(1) State General Fund .....	613,200	
Total General Obligation Inland Waterways Facilities Bonds, Series 1970 B, Estimated .....	613,200	613,200
5. Inland Waterway Improvement Bonds, Series A through D, Es- timated .....		437,543

SOURCE OF FUNDS:

(1) State General Fund .....	437,543	
Total Inland Waterway Improve- ment Bonds, Series A through D, Estimated .....	437,543	437,543
6. Tennessee-Tombigbee Water- way Bonds, Series A and B, Es- timated .....		880,433

SOURCE OF FUNDS:

(1) State General Fund, Estimated pursuant to Constitutional Amendment No. CCLXX as pro- vided in Act No. 248, 1967 Regu- lar Session .....	880,433	
Total Tennessee-Tombigbee Waterway Bonds Series A and B, Estimated .....	880,433	880,433

Section 3. The Sum of \$1,968,680 or so much thereof as may become available as herein provided, is hereby appropriated from the State General Fund in the state treasury to the State Building Commission for use in acquiring land adjacent to the state capitol building for use as additional parking space. The appropriation made herein is conditional upon the condition of the State General Fund, as ascertained by the Governor, and shall be released only upon approval of the Governor.

In addition to the above appropriation there is hereby appropriated \$38,000 to State Virology Laboratory in Jefferson County to be conditional upon the condition of the State General Fund and upon the approval of the Governor.

Section 4. That, except as may be herein otherwise provided, that amounts herein specifically appropriated shall be in lieu of the amounts heretofore provided or appropriated by law for such purposes. That the amounts herein appropriated are the maximum amounts to be expended for the purposes herein designated and in no event shall the maximum expenditure provided for any items of expense exceed the amount allocated herein except as may be provided for under Section 5 and 6 of this bill, as provided in the Budget Management Act of 1976, Act No. 494, 1976 Regular Session, and those appropriations herein made, except appropriations to the Alabama Alcoholic Beverage Control Board for the purchase of alcoholic beverages, are and shall be subject to the terms, conditions, provisions and limitations of Title 40, Chapter 8, Sections 80-96, Code of Alabama 1975 and the Budget Management Act of 1976 (Act No. 494).

Section 5. That any surplus remaining in any appropriation herein made from the General Fund to any office, department, bureau, board, commission, or agency may be transferred, on order of the Governor, to any other appropriation herein made from the General Fund when such appropriation to any office, department, bureau, board, commission, or agency is insufficient to pay salaries in that office, department, bureau, board, commission, or agency.

Section 6. In addition to appropriations herein made, all gifts, grants, contributions, appropriations, entitlements or any other funds, in excess of the amount carried in the bill, including grants by the Congress of the United States, municipalities or counties, to any department, division, board, bureau, commission, agency, institution, office or officer of the State of Alabama are hereby appropriated and, in the event the same are recurring, are reappropriated to such department, division, board, bureau, commission, agency, institution, office or officer to be used only for the purpose or purposes for which the grant or contribution was or shall be made.

Section 7. From the amounts received by the State of Alabama during the period October 1, 1980, through September 30, 1981, as grants or entitlements under the State and Local Fiscal Assistance Act of 1972, Public Law 92-512, 92nd Congress and any interest earned by the State thereon there is hereby appropriated the following:

1. Transfer to the State General Fund

For State Employees Salary Increases . . . . . \$9,000,000

In the event that the amount of funds actually received is more than the anticipated grants or entitlements, said funds together with any interest, accruals, or reversions accruing from Revenue Sharing Investments are hereby appropriated for General Government to be spent at the discretion of the Governor. In the event that the amount of funds actually received is less than the anticipated grants or entitlements, then each appropriation shall be reduced on a pro rata basis.

Section 8. No funds appropriated herein may be expended for rent, leases, contracts, or purchases of data processing equipment or services or for rent of any office space on any contract, lease, purchase or agreement made prior to September 30, 1980 for such items, unless approved or reapproved on or after October 1, 1980 by the Director of Finance.

Section 9. All appropriations shall be allotted and disbursed only in such proportions as the total sum appropriated bears to the total amount available in the source fund. An overdraft or deficit in any fiscal year for any fund shall be prevented as provided by law without discrimination whatsoever by any governor, department, board, bureau, commission, agency, office or institution against any department, board, bureau, commission, agency, office or institution.

Section 10. That, if any section, paragraph, sentence, clause, provision, or portion of the Act or all or any portion of any appropriation or appropriations herein made be held unconstitutional or invalid, it shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act or any other appropriation or appropriations or portions thereof hereby made not in and of itself unconstitutional or invalid.

Section 11. That all laws and parts of laws, general, special, private, or local in conflict with or inconsistent with the provisions of this Act be and the same are hereby expressly repealed.

Section 12. That each Department of State funded through the provisions of this budget shall provide an equal opportunity for employment and business opportunities for all citizens of this state without regard to sex or race.

Section 13. That this Act shall become effective October 1, 1980.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 533, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 28; Nays 4.

Yeas:

Messrs.:	Gulledge	Little	Robertson
Britnell	Hall	Martin	St. John
Callahan	Higginbotham	McDonald	Smith
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Pearson	Weeks
Glass	Lemaster	Proctor	White
Goodwin			

—28

Nays:

Messrs.	Harrison	Parsons	Taylor
Barron			

—4

## LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 944. To alter the boundary line between Bibb and Tuscaloosa County.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Little	Proctor	White	
deGraffenried	Martin			—25

Nays: —0

The Bill:

H. 852. Relating to Tuscaloosa County; to authorize and provide for the establishment, operation and financing of a Public Defender Office for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro rata return of any excess money in the Public Defender Fund to the counties and municipal bodies from which received.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Gulledge	Mitchem	Teague	
Britnell	Hall	Parsons	Vacca	
Callahan	Holmes	Pearson	Weeks	
Cook	Keener	Proctor	White	
deGraffenried	Little			—25

Nays: —0

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The Bill:

H. 853. To repeal Act No. 839, S. 907, 1975 Regular Session (Acts of 1975, p. 1674) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants, which created a Public Defender Office and Act No. 1286, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants which created a Public Defender Office.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Gulledge	Parsons	Teague
Britnell	Hall	Pearson	Vacca
Callahan	Holmes	Proctor	Weeks
Cook	Keener	St. John	White
deGraffenried	Little		

—25

Nays: —0

The Bill:

H. 74. Relating to Tuscaloosa County; to provide further for the salaries of the coroner and deputy coroner; and to provide for an expense allowance for the coroner.

was read a third time at length and passed.

Yeas 25; Nays 1.

Yeas:

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
deGraffenried	Little		

—25

Nays: Mr. Robertson. —1

The Bill:

H. 1083. Relating to Tuscaloosa County; authorizing the county governing body and the governing bodies of municipalities in the county to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

was read a third time at length and passed.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith	
Bailey	Glass	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Holmes	Parsons	Vacca	
Callahan	Keener	Pearson	Weeks	
Cook	Little	Proctor	White	
deGraffenried	Martin			—25

Nays: —0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979, and to make the bill effective upon the repeal of Amendment No. 255 of the State Constitution.

Said Governor's Message being in words and figures as follows, to-wit:

## MESSAGE FROM THE GOVERNOR

To The House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 744, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 744 without my signature and approval and with the following suggested Executive Amendment.

Amend House Bill Number 744 on page 1, in the Title of the Bill, line 17, by placing a period (.) after the word "1979", by deleting the remainder of line 17, and by deleting lines 18 and 19 in their entirety.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,  
FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 65, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 65, Nays 0.

And said Bill, H. 744, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. St. John, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 744, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0:

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 744, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	St. John
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Pearson	Weeks
Cook	Kirkland	Proctor	White
Denton	Little		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 802. Relating to Tuscaloosa County; to provide for a uniform compensation schedule for all juvenile probation officers in the Juvenile Court in said county.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 88. This bill amends Section 22-9-8, Code of Alabama, 1975, to increase fees for certified copies of vital statistics records and for presumptive or special searches of the files for various information.

Also:

H. 189. To amend §§ 24-5-2, 24-5-3, 24-5-4, 24-5-5, 24-5-6, 24-5-7, 24-5-10 and 24-5-14, Code of Alabama 1975, which sections are part of the Uniform Standards for Mobile Homes Act, so as to establish the Federal Mobile Home Construction or Safety Standards of the National Mobile Home Construction and Safety Standards Act of 1974 as the applicable standard for mobile homes sold in this state, to repeal existing standards which are now in conflict with Federal standards, to repeal § 24-5-8, Code of Alabama relating to reciprocity of inspections, to repeal requirements that mobile home dealers and manufacturers purchase a bond as a prerequisite for obtaining a license under the Mobile Home Standards Act; to impose a civil or criminal misdemeanor penalty for violation of the Act; to provide that the Fire Marshal may enter into contracts with any private or public agency charged with the enforcement of the Federal regulations.

Also:

H. 356. To prohibit the release of tame turkeys, or any other type of turkeys, into the wild areas of this State; to provide for certain exceptions; and to provide penalties for violations of this act.

Also:

H. 760. Applying only to Shelby County; providing for the creation of a county license inspector and deputy county license inspector; providing for delinquency and citation fees, commissions and penalties allowable to such inspector; providing that all license inspector's fees, commissions and penalties be paid into the county general fund for the use of the county; and repealing all conflicting provisions of law.



Also:

H. 813. To amend Act No. 247 of the Regular Session of the Legislature of Alabama of 1955 (Ala. Acts 1955, Vol. I, pp. 585-586) providing for a Telephone Revolving Fund in the Department of Finance, Division of Service, to be used to pay for the expenses of administering, maintaining and operating the State Central Telephone System in the City of Montgomery and the Alabama Centralized Telecommunications System in the State of Alabama and providing that each State department, board, bureau, commission, agency and institution using the aforesaid telephone systems shall pay its pro rata share of the aforesaid expenses.

Also:

H. 814. To amend Act No. 574 of the 1957 Regular Session of the Legislature of Alabama (Ala. Act 1957, Vol. II, pp. 797-798) to authorize the Department of Finance, Division of Service Mail and Supply Room Revolving Fund to be used to purchase janitorial supplies, to provide that said revolving fund shall be reimbursed for the reasonable expenses incurred in administering and handling said supplies and postage, and to increase the appropriation to said revolving fund.

Also:

H. 882. Relating to Shelby County; providing for a referendum on the question of replacing the probate judge as chairman of the county governing body; further providing for the salary, term of office, vacancy, bond, and election of said chairman.

Also:

H. 1066. Applying only to Shelby County; regulating and identifying certain mobile homes; providing for the use of decals for such purpose; and providing fees and penalties.

Also:

H. 1067. To promote the maintenance of Shelby County's natural beauty by eliminating unsightly and unhealthy litter; to provide for the dissemination in Shelby County of information pertaining to laws relative to littering and penalties therefor; to provide that certain identifiable litter constitutes prima facie evidence of littering by the person with whom it can be identified; to grant authority to the Shelby County Commission or other like governing body to establish and appoint, for the enforcement of littering laws in Shelby County, an agency and personnel empowered with the authority of peace officers as defined by state law for the primary purpose of enforcing littering laws and other laws relating to littering in Shelby County; to grant authority to the Shelby County Health Department to enforce littering laws in Shelby County, and to provide for a means to plea to the public to heed such laws and to help to eliminate litter in such county.

Also:

H. 1141. Relating to Morgan County; providing for the allocation, apportionment and distribution of certain highway gasoline taxes received by the county, contingent upon certain allocations to Morgan County from the state; and providing an effective and expiration date for the provisions of this act.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 354 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 354 without my signature and approval and with the following suggested Executive Amendment.

Amend Senate Bill 354 by deleting in its entirety the Executive Amendment which was suggested earlier this date and concurred in by both the House and the Senate. It is my desire that Senate Bill 354 become law as it was originally received by my office on May 8, 1980.

The Adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,  
FOB JAMES

## GOVERNOR'S MESSAGE

On motion of Mr. Holmes, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

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which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 23; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Higginbotham	Martin	St. John
Barron	Holmes	McDonald	Smith
Callahan	Keener	Miller	Taylor
Denton	Kirkland	Mitchem	Teague
Goodwin	Lemaster	Parsons	Vacca
Hall	Little	Proctor	White

—23

*Nays:* —0

*Abstaining:* Mr. deGraffenried. —1

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 354, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 25; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Hall	Martin	Smith
Barron	Harrison	Miller	Taylor
Britnell	Higginbotham	Mitchem	Teague
Callahan	Holmes	Parsons	Vacca
Denton	Keener	Proctor	Weeks
Glass	Kirkland	Robertson	White
Goodwin	Lemaster		

—25

*Nays:* —0

*Abstaining:* Mr. deGraffenried. —1

which was a majority of the whole number elected to the Senate.

RESOLUTION

Mr. Weeks offered the following Senate Resolution, to-wit:

S. R. 235. HONORING SENATOR DON HARRISON.

Which was read and referred to the Standing Committee on Rules.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 546. To amend further Act No. 929, Section 676, Regular Session 1971 (Acts 1951, Page 1579), as extensively amended by act No. 1272, Section 620, Regular Session 1973 (Acts 1973, Page 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement

and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to allow participants therein to purchase credit for certain of their prior unclassified service with the city.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Lemaster			—25

*Nays:* —0

The Bill:

H. 773. Relating to Jefferson County; providing further for the salary of the tax assessor.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Miller	Taylor	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Lemaster			—25

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holmes:

H. J. R. 339. URGING THAT EVERY PUBLIC AND PRIVATE BUSINESS BE ENCOURAGED TO EMPLOY WELFARE RECIPIENTS.

WHEREAS, the Legislature of the State of Alabama has enacted into law Act No. 80-381, which establishes the Alabama Human Resources Board; and

WHEREAS, it is the intent of this piece of legislation to utilize all available manpower in this state and the Act provides the mechanism to carry out this intent; now therefore,

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BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby encourage and urge that every state agency and department and that every private business give individuals who are presently recipients of welfare high priority in their employment practices.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

The Resolution, H. J. R. 339, set out in the foregoing Message from the House, was read and referred to the Standing Committee on Rules.

MESSAGE FROM THE GOVERNOR

To the Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 357 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

EXECUTIVE AMENDMENT TO SENATE BILL 357

To the Senate  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 357 without my signature and approval and with the following suggested Executive Amendment:

Amend Senate Bill 357, as last substituted and amended, the title, page 2, on lines 18 and 19, after the words on line 18 "subsequent to", by deleting the words and figures, "December 31" and inserting in lieu thereof the following: March 31.

Also, in Section 2, the last four lines of page 4 and the first two lines of page 5, amend by deleting the words and figures, "Authority" means the public corporation organized pursuant to the provisions of this Act." and inserting in lieu thereof the following:

"Authority" means the public corporation and instrumentality of the State organized pursuant to the provisions of this Act.

Also, in Section 2, line 2, page 5, after the words "association deposits", insert the following:

"obligations of any agency of the United States of America, any obligations in which a state chartered savings and loan association may invest its funds, any agreement to repurchase any of the foregoing."

Also, on page 6, Section 4, subsection (a), the first line of said subsection (a), after the word and figures "(a) The", amend by deleting the word "five" and inserting in lieu thereof the word: "nine" and by deleting the words "by the Governor".

Amend S. B. 357, as last substituted and amended, Section 5, subsection (a), line 9, by inserting at the end of said subsection (a), the following sentence: The Director of Finance and the Superintendent of Banks shall serve as ex officio members of the authority.

Also, on page 9, section 5, subsection (d), fifth line of said subsection, after the word "whenever", by deleting the word "two" and inserting in lieu thereof the following: three

Also, on page 9, Section 5, subsection (d), eighth line of said subsection (d), after the word "least" amend by deleting the word "three" and insert in lieu thereof the following: four

Also, in Section 5, subsection (f), as amended, line 10 of said amended subsection, after the words "legislative members" amend by inserting the following:

, after their initial appointment,

Also, on page 10, Section 6, subsection (1), the third and fourth lines of said subsection, after the word on line 5 "provided", amend by deleting the words "in Section 20 hereof" and inserting in lieu thereof the following: herein

Also, on page 11, Section 6, subsection (8), fourth line of said subsection, after the word "securing", amend by deleting the word "such".

Also, in Section 8, subsection (e), page 16, on lines 4 through 8, after the word and figure on line 4, "Directors.", amend by deleting the sentence: "Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous." and inserting in lieu thereof the following:

Bonds of the Authority may be sold at public sale, including without limitations the rejection of all bids, at such price or prices and at such times as determined by the Board of Directors to be advantageous. In addition, if bids are rejected or upon a finding by the Director of Finance of the State that a public sale of the Authority's bonds is under the circumstances either impractical or undesirable, bonds may be sold at private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous.

Also, in Section 11, page 19, fourth line of said section, after the words "subsequent to", amend by deleting the word and figures "December 31" and insert in lieu thereof the following: March 31

Also, insert new Section 20, as follows, renumber old Section 20 as Section 21, and renumber all subsequent sections accordingly.

Section 20. The Authority shall utilize all administrative services which may be provided by the Department of Finance.

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully submitted,

FOB JAMES,  
Governor.

### GOVERNOR'S MESSAGE

On motion of Mr. Mitchem, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. B. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to

exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Robertson
Callahan	Hall	Martin	Smith
Cook	Harrison	McDonald	Taylor
deGraffenried	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca
Goodwin	Kirkland	Parsons	White

—23

*Nays:*

—0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 357, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 25; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Parsons
Britnell	Hall	Little	Smith
Cook	Harrison	Martin	Taylor
deGraffenreid	Higginbotham	McDonald	Teague
Denton	Holmes	Miller	Vacca
Glass	Keener	Mitchem	Weeks
Goodwin	Kirkland		

—25

*Nays:* Mr. White.

—1

which was a majority of the whole number elected to the Senate.

#### FURTHER CONSIDERATION OF H. B. 473

The Senate proceeded to further consideration of the Bill, H. B. 473.

Mr. McDonald offered the following amendment to the Bill, H. B. 473, to-wit:



AMENDMENT TO H. B. 473

Amend House Bill 473 by adding the following section and renumbering the remaining sections accordingly:

"Section 4. The provisions of this act shall not apply to Act 77-323 unless approved by resolution adopted by the governing body of the county or counties affected."

Which was adopted.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	St. John
Barron	Goodwin	Lemaster	Smith
Britnell	Gulledge	Little	Taylor
Callahan	Hall	Martin	Teague
Cook	Harrison	McDonald	Vacca
deGraffenried	Higginbotham	Miller	White

—23

*Nays:* —0

Mr. McDonald then offered the following amendment to the Bill, H. B. 473, as amended, to-wit:

AMENDMENT TO H. B. 473

Amend H. B. 473 by striking out the present Section 5 on page 3 and inserting in lieu thereof the following:

Section 5. Severability Clause. It is expressly provided that each section, clause, provision or portion of this Act shall be construed as inseparable and nonseverable from all others, and in the event that any section, clause, provision or portion of this Act shall be held invalid or unconstitutional by any court of competent jurisdiction, the entire Act and each section, clause, provision or portion thereof shall be inoperative and have no effect.

Which was adopted.

Yeas 26; Nays 0.

*Yeas:*

Messrs.:	Glass	Keener	Robertson
Barron	Goodwin	Lemaster	Smith
Britnell	Gulledge	Little	Taylor
Callahan	Hall	Martin	Teague
Cook	Harrison	McDonald	Vacca
deGraffenried	Higginbotham	Miller	White
Denton	Holmes	Parsons	

—26

*Nays:* —0

And said Bill, H. B. 473, as thus amended, was read a third time at length and passed.

Yeas 21; Nays 1.

Yeas:

Messrs.:	Goodwin	Little	Smith
Barron	Hall	Martin	Taylor
deGraffenried	Harrison	McDonald	Teague
Denton	Higginbotham	Mitchem	Vacca
Figures	Holmes	Proctor	White
Glass	Keener		

—21

Nay: Mr. Robertson.

—1

## POINT OF PERSONAL PRIVILEGE

Mr. Figures requested and received unanimous consent that the Journal show that had he been present when the Committee on Conference Report on the Bill, H. B. 533, was concurred in and adopted, he would have voted "Aye".

## MESSAGE FROM THE HOUSE

Mr. President:

The House has reconsidered the Senate amendment to House Bill 555 and the House has non-concurred and requests a committee on Conference.

“H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Stout, Patton and Ray.

## HOUSE MESSAGE

On motion of Mr. Martin, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 555, the title of which is set out in the foregoing Message from the House.

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Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Keener	Parsons
Barron	Goodwin	Lemaster	Proctor
Britnell	Gulledge	Little	Smith
Callahan	Hall	Martin	Taylor
Cook	Harrison	McDonald	Weeks
deGraffenried	Higginbotham	Mitchem	White

—23

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. Lemaster, Martin and Denton.

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 610. To amend Section 1 of Act No. 710, H. 1102 (1976 Regular Session) (Acts 1976 p 990) an act providing for the minimum compensation for all Deputy Sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 610, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 610

Amend S. B. 610 on page 1, line 37, by inserting the following: Section 2. This Act shall become effective upon the signature of the Governor or upon its otherwise becoming a law.

HOUSE AMENDMENT TO S. B. 610

Amend Section 1 of S. B. 610 by adding the following sentence to the end of said section: "Provided however that the effective date of this Act shall be October 1, 1980, and further providing that no salary increase enacted by the 1980 Regular Session of the Alabama Legislature for Alabama State Troopers or any other employee of the Alabama Department of Public Safety shall be due or payable to any deputy sheriff or any other employee covered by this Act or by Act 710, H. 1102, Regular Session of the 1976 Alabama Legislature."

Yeas 25; Nays 0.

Yeas:

Messrs.:	Gulledge	McDonald	Smith	
Bailey	Harrison	Miller	Taylor	
Barron	Holmes	Mitchem	Teague	
Callahan	Keener	Parsons	Vacca	
Cook	Lemaster	Proctor	Weeks	
Figures	Little	St. John	White	
Glass	Martin			—25
Nays:				—0

## MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 339 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 339 without my signature and approval and with the following suggested Executive Amendments.

Amend page 1 of the enrolled bill, Section 1, lines 21 and 22 by deleting the words "total total compensation, for serving as chairman and probate judge, is less than \$25,000 per year." and insert in lieu thereof the words "total compensation less than \$25,000 per year for serving as chairman and probate judge."

Further amend on page 1 of the enrolled bill, Section 2, line 26, by deleting the word "is".

Further amend on page 1 of the enrolled bill, **Section 3, line 30**, by deleting the words "a minimum salary" and substituting **in lieu thereof** the words "total compensation".

The adoption of the above and foregoing suggested Executive Amendments will remove my objections to this Bill.

Respectfully,

FOB JAMES

GOVERNOR'S MESSAGE

On motion of Mr. Callahan, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 339. To provide for a minimum salary for certain probate judges.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Denton	Holmes	Smith	
Barron	Goodwin	Keener	Taylor	
Britnell	Hall	Kirkland	Weeks	
Callahan	Harrison	Little	White	
Cook	Higginbotham	Robertson		—18

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 339, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Taylor	
Britnell	Hall	McDonald	Teague	
Callahan	Higginbotham	Miller	Vacca	
Denton	Holmes	Mitchem	White	
Glass	Keener	St. John		—18

*Nays:* —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolutions and returns same herewith to the Senate:

S. J. R. 54. CHANGING THE NAME OF "MEDICAL SERVICES ADMINISTRATION" TO MEDICAID AGENCY.

Also:

S. J. R. 218. CONGRATULATING JOE BRUNO, OUTSTANDING BUSINESSMAN AND HUMANITARIAN, ON HIS LATEST HONOR, THE HORATIO ALGER AWARD.

Also:

S. J. R. 226. COMMENDING MR. CHARLES MACK STOKES UPON HIS RETIREMENT FROM AUBURN UNIVERSITY'S DEPARTMENT OF AGRICULTURAL ENGINEERING.

Also:

S. J. R. 227. COMMENDING TROY STATE UNIVERSITY GOLF TEAM.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: § 11-3-1, relating to creation, composition, election and term of commissioners; § 11-3-4, relating to compensation of commissioners; § 11-3-7, relating to the quorum for county commission meetings; § 11-3-9, relating to special meetings of the county commission; § 11-3-18, relating to the proceedings at meetings of the county commission; § 11-3-19, relating to the appointment of a special clerk; § 11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; § 11-4-23(5), relating to the treasurer providing a statement of moneys received; § 11-10-2, relating to tax anticipation loans; § 11-12-4, relating to claims and demands against the county; § 11-12-13, relating to lights and fuel for sessions of court and county commission; § 11-14-2, relating to custody of county property; § 11-14-9, relating to custody and maintenance of the courthouse; § 11-14-19, relating to special meetings of the county commission to make appropriations for jail; and § 11-14-22, relating to the examination of jails.

by a majority of those voting, said vote being Yeas 50, Nays 4.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 58, Nays 4.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

said Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF  
CONFERENCE ON H. B. 697

We the Committee of Conference appointed to reconcile the disagreements between the two houses concerning the Senate's amendment to H. B. 697 have met, considered the bill as amended, and have agreed to the following report:

We recommend that both chambers accept House Bill 697 as amended by the Senate.

Respectfully submitted,

BILL MARTIN,

TOMMY CARTER,

Conferees on the part of the House.

ALBERT McDONALD,

BOBBY DENTON,

Conferees on the part of the Senate.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON, Clerk.

HOUSE AND CONFERENCE MESSAGE

On motion of Mr. McDonald, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill H. B. 697, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 22; Nays 1.

Abstaining 1.

*Yeas:*

Messrs.:	Goodwin	Little	St. John
Britnell	Gulledge	Martin	Taylor
Callahan	Higginbotham	McDonald	Teague
Cook	Holmes	Miller	Vacca
deGraffenried	Keener	Mitchem	White
Denton	Lemaster	Robertson	—22

*Nay:* Mr. Harrison. —1

*Abstaining:* Mr. Hall. —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 591. To amend further Act No. 470, H. 952 of the regular session of 1939, approved September 15th, 1939, (local acts, 1939, page 298), and amended by Act No. 684 Regular Session of 1976 which creates and establishes the County-wide Civil Service System in Mobile County, so as to provide for an expense allowance and compensation for the members of the Personnel Board, and to provide for equal promotional opportunity for entry level unskilled laborers who have been employed in a jurisdiction for a minimum of six (6) months.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 252. To amend Section 36-26-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Britnell, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 252, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 252

Amend S. B. 252, line 22, following the word "system" by inserting the following words:

, and all legislative personnel, officers and employees, including but not limited to Legislative Reference Service personnel, whether subject to the state merit system or not,

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Mitchem	
Britnell	Hall	Little	Taylor	
Cook	Harrison	Martin	Teague	
deGraffenried	Higginbotham	McDonald	Weeks	
Denton	Holmes	Miller	White	
Goodwin				—20

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:



H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of investigators of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

Said Governor's Message being in words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 118 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 118 without my signature and approval and with the following suggested Executive Amendments.

Amend the Title of line 15 by deleting the word "investigators" and inserting in lieu thereof the words "the investigator".

Amend on page 1, Section 1, line 22, by deleting the word "investigators" and inserting in lieu thereof the word "Investigator".

Further amend page 1, Section 2, line 29, by deleting the word "investigators" and inserting in lieu thereof the word "investigator".

And further amend Section 2, line 33, by deleting the words "investigators are" and inserting in lieu thereof the words "investigator is".

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,  
FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 67, Nays 1.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 69, Nays 0.

And said Bill, H. 118, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Teague, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 118, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	McDonald	Teague	
Callahan	Holmes	Mitchem	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 118, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Barron	Goodwin	Martin	Smith	
Britnell	Hall	McDonald	Teague	
Callahan	Holmes	Mitchem	Weeks	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 57. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the office occurred.

JOHN W. PEMBERTON,  
Clerk.

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HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 57, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 57

Amend Senate Amendment to S. B. 57 line 15, after the figures " 15-3-1" by deleting the comma (,) and inserting through Section 15-3-8,

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Proctor
Britnell	Hall	Little	Smith
Cook	Harrison	Martin	Taylor
Denton	Higginbotham	Miller	Teague
Glass	Holmes	Parsons	Weeks
Goodwin			—20

*Nays:* —0

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 196, without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama 36130

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 196, without my signature and approval and with the following suggested Executive Amendment.

Insert the following Page number 15-A between pages 15 and 16, which reads:

To such compensation, this disqualification shall not apply; and provided further, that if such compensation is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for such week, if otherwise eligible, benefits reduced by the amount of such payment.

(10) **EMPLOYMENT BY PUBLIC WORKS AGENCY, ETC.**—For any week that such individual is engaged or employed by the works progress administration, the national youth administration, or any federal or state unit, agency or instrumentality in charge of public works, assistance through public employment or work relief.

(11) **SELF-EMPLOYMENT.**—For any week in which he is self-employed and each week thereafter until he shall establish that he is no longer self-employed.

(12) **RECEIPT OF, OR APPLICATION FOR, TRAINING ALLOWANCE, ETC.**—For any week with respect to which or a part of which an individual who is enrolled in a course of training with the approval of the director, within the meaning of subdivision (3) of section 25-4-77, has applied for or is entitled to receive any wage or subsistence or training allowance or other form of remuneration, other than reimbursement for travel expenses, for a course of training under any public or private training program; provided that if it is finally determined that he is not entitled to such remuneration, this disqualification shall not apply. If the remuneration, the receipt of which is disqualifying under this subdivision (12), is less than the weekly benefits which he would otherwise be due under this chapter he shall be entitled to receive, if otherwise eligible, weekly benefits reduced by the amount of such remuneration.

(13) **PARTICIPATION IN PROFESSIONAL SPORTS.**—For any week which commences during the period between two successive sport seasons (or similar periods) to any individual for which benefits claimed are on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, if such individual performed such services in the first of such seasons (or similar periods) and there is a reasonable assurance that such individual will perform such services in the later of such seasons (or similar periods).

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES,  
Governor.

#### GOVERNOR'S MESSAGE

On motion of Mr. Goodwin, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

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Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Keener	Mitchem
Callahan	Hall	Kirkland	Parsons
Cook	Harrison	Lemaster	Vacca
Denton	Higginbotham	Little	Weeks
Goodwin	Holmes	Martin	White

—19

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, S.B. 196, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Mitchem
Callahan	Hall	Lemaster	Parsons
Cook	Harrison	Little	Taylor
deGraffenried	Higginbotham	Martin	Vacca
Denton	Holmes	Miller	White
Goodwin	Keener		

—21

*Nays:* —0

which was a majority of the whole number elected to the Senate.

RESOLUTION

Messrs. Glass, Bailey, Barron, Britnell, Callahan, Clemon, Cook, deGraffenried, Denton, Figures, Goodwin, Gulledge, Hall, Harrison, Higginbotham, Holmes, Keener, Kirkland, Lemaster, Little, Martin, McDonald, Miller, Mitchem, Parsons, Pearson, Proctor, Robertson, St. John, Smith, Taylor, Teague, Vacca, Weeks, and White offered the following Senate Resolution, to-wit:

S. R. 236. HONORING MRS. ELIZABETH WRIGHT OF MONTGOMERY, ALABAMA, AS STATE DIRECTOR OF THE FARMERS HOME ADMINISTRATION.

Which was adopted.

MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

Also:

S. 383. To permit the possession of certain quantities of state untaxed alcoholic beverages purchased on federal military installations by eligible active duty, reserve, and retired military members and their dependents for

private use; to prohibit the keeping, storing or possession of such alcoholic beverages in the passenger area of any vehicle, or in the view of any passenger; to make it unlawful to sell or offer for sale such state untaxed alcoholic beverages to anyone not authorized to purchase such beverages himself or to possess in excess of the quantity permitted; and to make the violation of such restrictions on sale and possession of excess quantities a misdemeanor and to set the penalties therefor.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 453. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges, and to provide for the appropriation for such additional district judges.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. deGraffenried, the Senate non-concurred in the following House amendment to the Bill, S. B. 453, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE SUBSTITUTE FOR S. B. 453

#### A BILL TO BE ENTITLED AN ACT

To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

Be It Enacted By the Legislature of Alabama:

Section 1. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Madison, Etowah, Morgan, Talladega, Tuscaloosa and Walker Counties shall each have two resident district judges.

"(2) Montgomery County shall have three resident district judges.

"(3) Mobile County shall have four resident district judges.

"(4) Jefferson County shall have 12 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division.

"(5) Calhoun and Cleburne Counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both counties.

"(6) Coosa and Clay Counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties."

Section 2. There is hereby created and shall be established immediately after the general election in 1980, the office of District Judgeship No. 2 of Tuscaloosa County, which shall be in addition to the one judgeship now existing. The existing judgeship shall be designated District Judgeship No. 1. The first judge of said additional District Judgeship No. 2 of Tuscaloosa County shall be elected at the general election in 1980 in the manner provided by law and such judge shall hold office until a successor has been elected at the next regular election for district judges and has qualified. Thereafter, successors shall be elected at the same time and for the same term prescribed by law for the other district judge.

Section 3. The judge of said District Judgeship No. 2 shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district judges may be subject to exercise and perform. The additional district judge provided for in this Act shall receive the same salary and supplements payable in the same manner as the existing district judge of Tuscaloosa County.

Section 4. There is hereby appropriated the sum of \$48,778 for the fiscal year 1980-81 from the general fund of Alabama for the support and maintenance of the office of District Judgeship No. 2 of Tuscaloosa County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective October 1, 1980, upon its passage and approval by the Governor, or upon its otherwise becoming a law. and requested a Committee on Conference.

Yeas 19; Nays 0.

Yeas:

Messrs.:	deGraffenried	Hall	Little
Barron	Denton	Harrison	Martin
Britnell	Glass	Higginbotham	Mitchem
Callahan	Goodwin	Holmes	Smith
Cook	Gulledge	Lemaster	White

—19

Nays:

—0

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Keener, Mitchem and deGraffenried.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

by a majority of those elected to the House, said vote being Yeas 88, Nays 0.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those elected to the House, said vote being Yeas 88, Nays 0.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 931. To authorize and make provision of the incorporation in any Class 1 municipality as so designated by Act No. 79-263 enacted at the 1979 Regular Session of the Legislature of Alabama (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority, its board of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling of any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, offstreet parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, planetarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real



and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of Section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of Section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under Section 119 of the Housing and Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor	
Bailey	Glass	Martin	St. John	
Barron	Goodwin	McDonald	Smith	
Britnell	Hall	Mitchem	Taylor	
Callahan	Holmes	Parsons	Vacca	
Cook	Keener	Pearson	White	
Denton	Kirkland			—25

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

Said Governor's Message being in words and figures as follows, to-wit:

#### MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 1065 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 1065 without my signature and approval and with the following suggested Executive Amendment.

In Section 1, line 21, delete the words "Circuit Judges" and insert in lieu thereof the words "presiding Circuit Judge".

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The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of the whole number elected to the House, said vote being: Yeas 63, Nays 0.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of the whole number elected to the House, said vote being: Yeas 63, Nays 0.

And said Bill, H. 1065, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. Gulledge, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 1065, the title of which and said Executive amendment are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Proctor	White
Denton	Lemaster		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, H. B. 1065, as thus amended by the Executive amendment, was again read at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Smith
Bailey	Glass	Martin	Taylor
Barron	Gulledge	Miller	Teague
Britnell	Holmes	Mitchem	Vacca
Callahan	Keener	Parsons	Weeks
Cook	Kirkland	Proctor	White
Denton	Lemaster		

—25

*Nays:* —0

which was a majority of the whole number elected to the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Martin, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 15, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 15

Amend S. B. 15 on page 1, line 34, by striking the figure 100 and inserting in lieu thereof one kilo or 2.2.

Further amend S. B. 15 on page 2, line 5, by striking the figure 100 and inserting in lieu thereof one kilo or 2.2.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Gulledge	Lemaster	Mitchem
Britnell	Hall	Little	Proctor
Cook	Harrison	Martin	Smith
Denton	Higginbotham	McDonald	Taylor
Goodwin	Kirkland	Miller	White

—19

Nays:

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 557. To amend Act No. 895, S. 775, Regular Session 1978 (Acts of Alabama 1978, p. 1332), providing for the salaries of certain county officers of Cullman County, so as to further provide that such salaries shall be in lieu of all other compensation, expense allowances, fees, commissions, percentages or other emolument of any nature whatsoever. Provided, however, said officers shall continue to receive additional compensation granted by Acts of the 1978 and 1979 legislative sessions.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 557, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 557

A BILL  
TO BE ENTITLED  
AN ACT

To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

Be It Enacted by the Legislature of Alabama:

Section 1. Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment," is hereby expressly repealed.

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Martin	Smith
Bailey	Glass	Miller	Taylor
Barron	Hall	Mitchem	Teague
Britnell	Holmes	Parsons	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Kirkland	St. John	White
Denton	Little		

—25

*Nays:* —0

MESSAGE FROM THE GOVERNOR

To the Alabama Senate  
State Capitol  
Montgomery, Alabama

Gentlemen:

I transmit herewith a Message from the Governor concerning Senate Bill Number 8 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,

MICHAEL D. WATERS,  
Legal Advisor.

Done this 19th day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I am returning to you, the Body in which it originated, Senate Bill Number 8 without my signature and approval and with the following suggested Executive Amendment.

Amend page 2, Section 2, by deleting existing lines 9 and 10 in their entirety and substituting in lieu thereof on a new line 9, the words "on October 1, 1981."

The adoption of the above and foregoing suggested Executive Amendment will remove my objections to this Bill.

Respectfully,

FOB JAMES

#### GOVERNOR'S MESSAGE

On motion of Mr. Keener, the Senate concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill:

S. B. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents or charged with a moving vehicle violation on the uniform accident report form or citation.

which said amendment is set out in the foregoing Message from the Governor, by a vote of

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Miller	
Bailey	Hall	Kirkland	Mitchem	
Barron	Harrison	Lemaster	Smith	
Cook	Higginbotham	Little	Taylor	
deGraffenried	Holmes	Martin	White	
Denton				—20

*Nays:* —0

which was a majority of the whole number elected to the Senate.

And said Bill, S. B. 8, as thus amended by the Executive amendment, was again read at length and passed, by a vote of

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Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Smith
Barron	Hall	Lemaster	Taylor
Cook	Higginbotham	Little	Teague
deGraffenried	Holmes	Martin	White
Denton	Keener	Mitchem	

—18

*Nays:* —0

which was a majority of the whole number elected to the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the bill:

H. 597. To establish a ceiling on reimbursement for inpatient hospital services provided under the Alabama Medicaid Program at the eightieth percentile of per diem cost rates established for inpatient hospital services.

And requests a Committee on Conference, and the Speaker of the House has named as a Committee on Conference on the part of the House Reps. Pegues, Johnson R.G. and Shoemaker.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the Two Houses on the Senate amendment to the Bill, H. B. 597, the title of which is set out in the foregoing Message from the House.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Taylor
Bailey	Hall	Little	Teague
Barron	Harrison	Miller	Vacca
deGraffenried	Higginbotham	Mitchem	White
Denton	Keener	St. John	

—18

*Nays:* —0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. White, Smith and Callahan.

RECESS

At 8.25 P.M., on motion of Mr. St. John, the Senate took a recess until 9 o'clock P.M.

NIGHT SESSION  
THIRTIETH LEGISLATIVE DAY

MONDAY, MAY 19, 1980

The Senate re-assembled in the Senate Chamber and was called to order by Lieutenant Governor McMillan.

## ROLL CALL

Present:

Messrs.:	Glass	Lemaster	Robertson
Bailey	Goodwin	Little	St. John
Barron	Gulledge	Martin	Smith
Britnell	Hall	McDonald	Taylor
Callahan	Harrison	Miller	Teague
Cook	Higginbotham	Mitchem	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Pearson	White
Figures	Kirkland	Proctor	

—34

## MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Senate amendment to the following Bill:

H. 598. To provide for the specific exclusion of certain classes of cost items from the reimbursement methodology used by the Alabama Medicaid Program in reimbursing certain classes of medical service providers. Specifically affected shall be non profit medical facilities and/or medical facilities wholly or partially constructed and equipped using federal, state, or county funds. Also excluded for these classes shall be allowances for depreciation on facilities and equipment, and allowances for a return on assets.

and requests a Committee on Conference.

And the Speaker of the House has appointed as Conferees on the part of the House Reps. Pegues, Johnson, (R. G.), and Shoemaker.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. White, the Senate acceded to the request of the House for a Committee on Conference on the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 598, the title of which is set out in the foregoing Message from the House.

Yeas 23; Nays 0.

Yeas:

Messrs.:	Britnell	Gulledge	Keener
Bailey	deGraffenried	Hall	Kirkland
Barron	Denton	Holmes	Little



REGULAR SESSION  
30th Day

2297

Martin  
McDonald  
Miller

Mitchem  
Parsons  
St. John

Smith  
Taylor  
Teague

Vacca  
Weeks  
White

—23

*Nays:*

—0

And the President and Presiding Officer of the Senate appointed as Committee on the part of the Senate, Messrs. White, Smith and Callahan.

MESSAGE FROM THE GOVERNOR

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I herewith transmit to you a message from the Governor relative to appointments to the Board of Trustees of Jacksonville State University.

Respectfully submitted,

JAMES E. FOY,  
Executive Secretary.

Done this 19th day of May, 1980.

To the Senate of Alabama  
State Capitol  
Montgomery, Alabama

Gentlemen:

I have appointed, subject to your confirmation, the following:

Mr. James P. Thornton, Huntsville, Alabama (Reappointment); Term expiring December 28, 1991.

Mr. Pete Mathews, Montgomery, Alabama (Reappointment); Term expiring December 28, 1991.

Mr. Bob Kennamer, Anniston, Alabama (Replaced Hugh D. Merrill); Term expiring December 28, 1991.

as members of the Board of Trustees of Jacksonville State University.

Respectfully,

FOB JAMES,  
Governor.

Done this 19th day of May, 1980.

GOVERNOR'S MESSAGE

On motion of Mr. Teague, the Rules were suspended and the appointment of Mr. James P. Thornton to the Board of Trustees of Jacksonville State University, set out in the foregoing Message from His Excellency, the Governor, was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White

—27

*Nays:*

—0

On motion of Mr. Teague, the Rules were suspended and the appointment of Mr. Pete Mathews to the Board of Trustees of Jacksonville State University, set out in the foregoing Message from His Excellency, the Governor, was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White

—27

*Nays:*

—0

On motion of Mr. Teague, the Rules were suspended and the appointment of Mr. Bob Kennamer to the Board of Trustees of Jacksonville State University, set out in the foregoing Message from His Excellency, the Governor, was confirmed by the Senate.

Yeas 27; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	St. John
Bailey	Gulledge	Lemaster	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	McDonald	Teague
Cook	Higginbotham	Miller	Vacca
deGraffenried	Holmes	Parsons	Weeks
Denton	Keener	Proctor	White

—27

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 627. To provide for restitution to victims of crimes by offenders; imposes penalties for default in payment by offenders; and provides for local restitution centers to be under the supervision of the department of corrections and assisted by the department of pensions and security.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 627, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 627

A BILL  
TO BE ENTITLED  
AN ACT

To provide for restitution to victims of crimes by offenders; imposes penalties for default on payment by offenders; and provides for local restitution centers to be under the supervision of the State Board of Pardons and Paroles.

Be It Enacted by the Legislature of Alabama:

SECTION I. The legislature hereby finds, declares and determines that it is essential to be fair and impartial in the administration of justice that all perpetrators of criminal activity or conduct be required to fully compensate all victims of such conduct or activity for any pecuniary loss, damage or injury as a direct or indirect result thereof. The provisions of this act shall be construed so as to accomplish this purpose and to promote the same which shall be the public policy of this state.

SECTION II. As used in this act, the following words and terms shall have the meanings respectively ascribed by this section;

(a) "Criminal activities" shall mean any offense with respect to which the defendant is convicted or any other criminal conduct admitted by the defendant.

(b) "Pecuniary damages" shall mean all special damages which a person shall recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and shall include, but not be limited to the money or other equivalent of property taken, broken, destroyed, or otherwise used or harmed and losses such as travel, medical, dental or burial expenses and wages including but not limited to wages lost as a result of court appearances.

(c) "Restitution" shall mean full, partial or nominal payment of pecuniary damages to the victim or to its equivalent in services performed or work or labor done for the benefit of the victim as determined by the court of record.

(d) "Victim" shall mean any person whom the court determines has suffered a direct or indirect pecuniary damage as a result of the defendant's criminal activities. "Victim" shall not include any participant in the defendant's criminal activities.

SECTION III. When a defendant is convicted of a criminal activity or conduct which have resulted in pecuniary damages or loss to a victim, the court shall hold a hearing to determine the amount or type of restitution due the victim or victims of such defendant's criminal acts. Such restitution hearings shall be held as a matter of course and in addition to any other sentence which it may impose, the court shall order that the defendant make restitution or otherwise compensate such victim for any pecuniary damages. The defendant, the victim or victims, or their representatives or the administrator of any victims' estate as well as the District Attorney shall have the right to present and be heard upon the issue of restitution at any such hearings.

SECTION IV. In determining the manner, method or amount of restitution to be ordered the court may take into consideration the following:

(a) the financial resources of the defendant and the victim and the burden that the manner or method of restitution will impose upon the victim or the defendant.

(b) the ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;

(c) the anticipated rehabilitative effect on the defendant regarding the manner of restitution or the method of payment.

(d) any burden or hardship upon the victim as a direct or indirect result of the defendant's criminal acts.

(e) the mental, physical and financial well being of the victim.

SECTION V. At such restitution hearings, the defendant, the victim, the District Attorney, or other interested party may object to the imposition, amount or distribution of restitution or the manner or method thereof and the court shall allow all such objections to be heard and preserved as a matter of record. The court shall thereafter enter its order upon the record stating its findings and the underlying facts and circumstances thereof.

SECTION VI. When a defendant is sentenced or ordered to make restitution, the court may order payment to be made forthwith to be paid to the circuit clerk as other fines and costs are made. The court may also order restitution to be made within a specified period of time or in specified installments to the circuit clerk as a condition of suspension of execution of sentence or as a condition of probation.

SECTION VII. When a defendant is sentenced to a term of imprisonment, the order of restitution shall be enforceable during the period of imprisonment when the defendant has income. The Board of Pardons and Paroles will be notified of the amount of restitution by its parole officers and when and if the defendant is paroled, it shall be made a condition of his parole to continue his restitution payments to the victim. If during the period of the defendant's parole, he fails to make restitution as ordered by the original court, it shall be grounds for revocation of parole.

SECTION VIII. When a defendant whose sentence has been suspended and placed on probation by the court, and ordered to make restitution, defaults in the payment thereof or of any installment, the court on motion of the victim or the District Attorney or upon its own motion shall require the defendant to show cause why his default should not be treated as violation of a condition of his probation.

When the defendant is sentenced to the penitentiary by the court, and the court orders restitution, it shall be made a condition of his parole that restitution be made. When the parolee defaults in the payment thereof or any installment, the parole board on motion of the victim or the District Attorney or the supervising parole officer, may require the defendant to show cause why his default should not be treated as a violation of a condition of parole, and the Board may declare the parolee delinquent and after due process may revoke his parole.

**SECTION IX.** When an order of restitution is imposed upon a defendant which is a corporation, unincorporated association, partnership or other business entity, it shall be the duty of the person or persons authorized to make disbursements from the assets of such defendant to make restitution from those assets and a failure to do so by such person or persons may be held to be in contempt of court unless a showing be made to the contrary as pursuant to the provisions of Section VIII.

Any corporation, unincorporated association, or other business entity which fails to make restitution as ordered by the court shall forfeit its rights to do business within the State of Alabama and its charter or other legal grant of the right to do such business may be dissolved by the court.

**SECTION X.** Whenever an offender in the custody of the department of corrections is paroled, the Board of Pardons and Paroles will inform him of the court's imposition of restitution payments and the supervising parole officer will see that the schedule of payment of restitution is resumed and continued until paid in full.

**SECTION XI.** Nothing in this chapter limits or impairs the right of a person injured by a defendant's criminal activities to sue or recover damages from the defendant in a civil action. Evidence that the defendant has paid or has been ordered to pay restitution pursuant to this act may not be introduced in any civil action arising out of the facts or events which were the basis for the restitution. However, the court shall credit any restitution paid by the defendant to a victim against any judgment in favor of the victim in such civil action.

If conviction in a criminal trial necessarily decides the issue of a defendant's liability for pecuniary damages for a victim, that issue is conclusively determined as to the defendant, if it is involved in a subsequent civil action.

**SECTION XII.** The county commissions of several counties and the governing authorities of municipalities are hereby authorized to cooperate with the State Board of Pardons and Paroles in the establishment of restitution centers. Such centers shall be operated by the State Board of Pardons and Paroles. County or municipal property may be utilized with the approval of the county commission or municipal governing authority for the construction, renovation, and maintenance of facilities owned by the state or a local political subdivision. Such a facility may be furnished or leased to the Board of Pardons and Paroles for a period of time for use as a restitution center.

It is the intent of this section that county and local governments contribute only to the establishment, renovation, furnishing, and maintenance of the physical plant of the restitution center and that the Board of Pardons and Paroles support the operation of and have the responsibility of offenders in such centers. Provided, however, that no provision of this act shall operate so as to deprive the court of its power to revoke probation of residence or the State Board of Pardons and Paroles' power to revoke parolees housed in the center.

SECTION XIII. The State Board of Pardons and Paroles, the county commissions and the governing authorities of municipalities are hereby authorized to cooperate in the institution and administration of services at restitution centers as authorized in Section VII of this act.

The Board of Pardons and Paroles, the county commissions and the governing authorities of municipalities are authorized jointly;

(a) to seek funding from federal or other sources to provide the maximum supportive services for offenders and the families of offenders who are participating in the restitution program.

(b) to develop additional programs whereby the offenders may be afforded the opportunity to contribute to society and the support of their families through restitution programs; and

(c) to develop pilot programs of counseling, training and job placement whereby restitution may be accomplished; such programs may be residential or nonresidential as appropriate.

SECTION XIV. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

SECTION XV. All laws or parts of laws which conflict with this act are hereby appealed.

SECTION XVI. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Denton	McDonald	Taylor	
Bailey	Hall	Miller	Teague	
Barron	Holmes	Mitchem	Vacca	
Britnell	Keener	Parsons	Weeks	
Callahan	Lemaster	St. John	White	
Cook	Little	Smith		—22

*Nays:*

—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

JOHN W. PEMBERTON,  
Clerk.

#### BILLS ON THIRD READING RESUMED

On motion of Mr. deGraffenried, the Rules were suspended and the Bill:

H. 81. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

was taken up.

Mr. Parsons offered the following amendment to the Bill, H. B. 81, to-wit:

AMENDMENT TO H. B. 81

Amend H. 81, Page 54, Line 13, by inserting after the word "keep", the following:

"or shall make available on request within a reasonable period of time"

On motion of Mr. Parsons, further consideration of the Bill, H. B. 81, and pending amendment, was postponed temporarily.

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multi-family dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the

Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to March 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

by a majority of those elected to the House said vote being Yeas 70, Nays 1.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those elected to the House, said vote being Yeas 78, Nays 1.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of an insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity and to provide for termination procedures and distribution of funds.

JOHN W. PEMBERTON,  
Clerk.



HOUSE MESSAGE

On motion of Mr. Bailey, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 139, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 139

Amend S. 139 by renumbering sections 19, 20, and 21 as sections 21, 22, and 23 respectively and further amend S. 139 by the addition of the following new sections 19 and 20:

"Section 19. Association, Policyholders, Beneficiaries and Insureds to have Preferred Creditor Status.

Upon the issuance of a proper court order placing a domestic insurer in receivership or placing a foreign insurer in ancillary receivership for rehabilitation or liquidation, all policy holders, beneficiaries and insureds of such insolvent insurer, with respect to claims arising from and within the coverages of and not in excess of the applicable limits of insurance policies and contracts issued by the insolvent insurer, and liability claims against insureds which claims are within the coverage of and not in excess of the applicable limits of insurance policies and insurance contracts issued by the insolvent insurer and the Alabama Insurance Guaranty Association and any similar organization in another state shall be preferred creditors of said insolvent insurer.

Section 20. Association to have Immediate Access to the Assets of an Insolvent Insurer.

(1) Within 120 days of a final determination of insolvency of an insurance company by a court of competent jurisdiction the Receiver shall make application to the said court for approval of a proposal to disburse assets out of such company's marshalled assets, from time to time as such assets become available, to the Alabama Insurance Guaranty Association and to any entity or person performing a similar function in another state. (The Alabama Insurance Guaranty Association and any entity or person performing a similar function in other states shall hereinafter be referred to collectively as the associations.)

(2) Such proposal shall at least include provisions for:

(a) Reserving amounts for the payment of expenses of administration and claims falling within the priorities established in the Alabama Uniform Insurers Liquidation Act but only with respect to such priorities higher than that of the associations;

(b) Disbursement of the assets marshalled to date and subsequent disbursement of assets as they become available;

(c) Equitable allocation of disbursements to each of the Associations entitled thereto;

(d) The securing by the Receiver from each of the associations entitled to disbursements pursuant to this section of an agreement to return to the Receiver such assets previously disbursed as may be required to pay claims of secured creditors and claims with a higher priority than those of the associations. No bond shall be required of any such association; and

(3) The Receiver's proposal shall provide for disbursements to the associations in amounts at least equal to the payments made or to be made thereby for which such associations could assert claims against the Receiver, and shall further provide that if the assets available for disbursement from time to time do not equal or exceed the amount of such payments made or to be made by the associations then disbursements shall be in the amount of available assets.

(4) Notice of such application shall be given to the associations in and to the commissioners of insurance of each of the states. Any such notice shall be deemed to have been given when deposited in the United States certified mails, first class postage prepaid, at least 30 days prior to submission of such application to the said court. Action on the application may be taken by the said court provided the above required notice has been given and provided further that the Receiver's proposal complies with Sections 2(a) and 2(d) hereof."

Further amend Senate Bill 139 by amending the title of the bill on page 1, lines 19 thru 25, to read as follows:

"To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of any insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity, to provide for termination procedures and distribution of funds, to afford preferred creditor status and to provide immediate access to the assets of an insolvent insurer."

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Mirchem	
Bailey	Gulledge	Little	Parsons	
Barron	Hall	Martin	St. John	
Britnell	Keener	McDonald	Vacca	
Callahan	Kirkland	Miller		—18

*Nays:* —0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing work or services upon private property and selling material to churches, persons, firms or corporations; setting the conditions under which such work can be done or materials sold; and establishing the procedure governing work on private property or sales of materials to churches, individuals, firms or corporations.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE ON H. B. 465

We, the Committee of Conferees appointed to reconcile the difference between the two Houses concerning House Bill 465 have met, considered the matter, and agreed to the following report:

Conference Committee Substitute for House Bill 465 is attached.

Conferees on the part of the House,

JIM STOUT,  
MARTHA JO SMITH,  
ALBERT HALL.

Conferees on the part of the Senate,

JAMES LEMASTER,  
ALBERT McDONALD,  
BILL C. SMITH.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 465

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Madison County; to give the County Commission certain powers and authority in regard to performing road related services upon private property for a fee and selling road construction materials to churches, persons, firms or corporations; setting the conditions under which such work can be done and road construction materials sold; and establishing the procedure governing work on private property or sales of said materials to churches, individuals, firms or corporations.

Be It Enacted by the Legislature of Alabama:

Section 1. The Madison County Commission is hereby authorized and empowered, under the conditions and limitations set forth herein, within Madison County, to go upon private property and perform road related service, for a fee, for churches, individuals, firms or corporations and to sell road construction materials to churches, individuals, firms or corporations.

For the purposes of this Act, the words "road related services" shall mean grading, scraping, packing, paving, tarring, graveling, cherting, or like services, and services to aid or improve drainage, grass mowing near public roads, and assistance or aid where equipment has been turned over or become stuck.

For the purposes of this Act, the words "road construction materials" shall mean asphalt, gravel, chert, sand, dirt, tar or like materials.

Section 2. It is the intent of this bill to make available to Madison County citizens the aforementioned services only when such road related services and road building materials are not available to them at a reasonable cost from private enterprise. Upon the enactment of this bill, and annually thereafter, the Madison County Commission shall examine the availability of work, services and material from private enterprise in the

various areas of Madison County and shall determine a cost for providing said road related services and road construction material. The Madison County Commission shall enter upon the minutes the results of such examination, and the pricing cost for the year, with necessary allowances made for price changes during the year. The Madison County Commission shall then promulgate a written policy which will govern the performance by county crews and equipment of said road related services and the sale of such road construction material by the county. The policy shall include: a description of the road related services which will be performed and the road construction materials to be sold; a provision to include private enterprise to service those needs found in its previous examination; and the limitation upon the areas in which such road related services will be performed and in which road construction materials will be sold to those areas in which such work, services or material is not reasonably available at a reasonable cost from private enterprise. It is the intent of the legislature that the county shall in no way compete unfairly with the private sector and that such road related services or road construction materials will be made available only to those citizens of Madison County where such road related services or road construction material is not available from private enterprise at a reasonable cost. Moreover, the policy shall include provisions to insure that no subsidy will be allowed to those individuals, firms or corporations contracting with the county and that all cost, either direct or indirect, shall be borne by those entities contracting with the county. Finally, the policy shall include the provisions of a full financial accounting to support such requirements and said accounting shall be subject to public inspection. In promulgating said policy and in promulgating any change to said policy, the Madison County Commission shall, after publishing notice in a newspaper of general circulation, hold a public hearing on the matter; provided, however, an increase in pricing to cover any increase in the costs of materials and labor shall not require a public hearing. The written policy and pricing cost adopted by the Madison County Commission shall be published annually in a newspaper of general circulation in Madison County in the type normally used for news stories and shall state that the pricing cost will be discussed, in a public hearing forum, at a specified regularly scheduled meeting of the Madison County Commission, at the request of any interested citizen; provided, however, that said notice appear at least one week prior to said meeting.

Section 3. In no case may county personnel or equipment be permitted to perform road related services on private property where a present public need exists for said county equipment and personnel. Moreover, the personnel and equipment necessary to perform such work on private property shall not be permitted to do so unless the Madison County Commission is to be properly compensated for said road related services performed and for the road construction materials used or sold. In determining proper compensation for road related services performed and for road construction materials used or sold, all indirect costs including but not limited to overhead, management and depreciation shall be included. All moneys derived from payments to the Madison County Commission for such work or services performed and such materials used or sold shall be expended for those purposes, and no other, set forth in Amendment Number 354 to the Constitution of Alabama of 1901 for moneys derived from the sources set out therein.

Section 4. Before any road related services are performed on private property or road construction material is sold to churches, individuals, firms or corporations, a written contract must be signed by the party for whom the said service is to be performed or to whom the material is to be sold stating the work to be done or material sold, the amount to be paid for the road related

service or road construction material or the rate by which the amount be paid for such work or material will be computed. The road related services performed must be paid for at the time it is completed and any road construction material delivered must be paid for at the time the material is delivered. All such contracts shall be kept on file in the office of the Madison County Commission for a period of not less than four years and such contracts shall be public writings of this State, as such term is used in Code of Alabama of 1975, Sections 36-12-40 through 36-13-42. The name of each church, individual, firm or corporation for whom the road related services are performed or to whom material is delivered shall be entered upon the permanent minutes of the Madison County Commission at its next regular meeting following the completion of the work or the delivery of the material, along with a description of the work performed or road construction material delivered and a statement of the price paid to the county for the work performed or material sold.

Section 5. The Madison County Commission shall not perform work on private property or sell materials to any church, individual, firm or corporation within any twelve (12) month period in excess of a total amount of One Thousand Dollars (\$1,000.00).

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed but nothing herein contained repeals, amends or modifies in any way the provisions of Code of Alabama of 1975, Section 36-10-8, Section 36-10-14, and Sections 36-25-1 through 36-25-30.

Section 7. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. McDonald, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 465, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

Yeas:

Messrs.:	Figures	McDonald	Smith
Bailey	Glass	Mitchem	Taylor
Barron	Hall	Parsons	Teague
Britnell	Holmes	Pearson	Vacca
Callahan	Keener	Proctor	Weeks
Cook	Lemaster	St. John	White
Denton	Little		

Nays:

—25

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Holley:

**H. J. R. 346. RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.**

WHEREAS, there exists a serious shortage of space for members and staff of the Alabama Legislature, visitors, state employees; and

WHEREAS, the State of Alabama already owns property near or adjacent to buildings currently in use by the State Highway Department; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby recreated a joint committee that was created during the 1979 Special Session, Act No. 79-339.

This interim committee shall have a budget of \$3,000.00 and it shall oversee and work with the Building Commission on procurement of property surrounding the State Capitol. The Committee shall be charged with the responsibility of making recommendations to the State Building Commission as to the purchase of property located in two lots behind the Capitol for which purpose there has been appropriated \$1,968,680 for that purpose.

The Speaker of the House shall appoint two members from the House and the Lieutenant Governor shall appoint two members from the Senate to this Committee.

Upon the request of the Chairman of such Committee, the Secretary of the Senate and the Clerk of the House shall provide such clerical assistance as may be necessary for the Committee's work. The Committee shall report its findings, conclusions and recommendations to the Legislature not later than the 5th legislative day of the 1981 Regular Session, whereupon the Committee shall be dissolved. Each member of the Committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the Committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the Committee's Chairman.

BE IT FURTHER RESOLVED, That this Committee be authorized to carry out the provisions of this Resolution.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 346, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Sandusky, McMillan, Manley, Harper (T), Bedsole, Campbell, Willis, Clark (G), Adams (H), Adams (C), Langford, Holley, Wyatt and Ward:

H. J. R. 333. HOUSE JOINT RESOLUTION COMMENDING HIGHWAY DIRECTOR REX RAINER.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Higginbotham, the Rules were suspended and the Resolution, H. J. R. 333, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

H. J. R. 292. CREATING AN INTERIM COMMITTEE TO STUDY NUCLEAR POWER PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created an interim legislative committee composed of six members, three from the house and three from the senate, to study nuclear power plants and to make recommendations regarding a regulatory agency.

The chairman of the committee may set the place of meeting anywhere in the states of Alabama or Tennessee that he deems necessary to aid in the work of the committee.

The committee shall report its findings, comments, suggestions, and recommendations to the legislature on the fifth legislative day of the 1981 Regular Session, on which date the interim committee hereby established shall automatically be terminated.

Each member of the committee shall be entitled to his regular legislative compensation, his per diem and travel expenses for each day he attends a meeting of the committee which shall be paid out of any funds appropriated to the use of the Legislature, on warrants drawn on the state comptroller upon requisition signed by the committee's chairman. The total of said appropriation shall not exceed \$9,000.00.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 292, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Lewis, Adams (C), Adams (H), Albright, Amari, Barton, Bedsole, Bennett, Biddle, Blake, Boles, Bowling, Brakefield, Buskey, Cabaniss, Campbell, Carothers, Carter, Cates, Cheatwood, Clark (G), Clark (W), Cobb, Coburn, Cooley, Cosby, Crow, Daniels, Dial, Dixon, Drinkard, Edwards, Ford, Gafford, Gilmer, Goodwin, Greer, Gregg, Grimsley, Grouby, Hall, Hammett, Harper (O), Harper (T), Harrison, Harvey, Hilliard, Hines, Holley, Holmes, Horn, Howard, Jackson, Johnson (R. G.), Johnson (Roy), Kelley, Kennedy, Laird, Langford, Letson, McCorquodale, McKee, McMillan, Manley, Minus, Mitchell, Moore, Naramore, Nevett, Olive, Owens, Parker, Patton, Payne, Pegues, Penry, Rains, Ray, Reed, Riddick, Roberts, Sandusky, Sasser, Seibels, Shavers, Shoemaker, Smith (C), Smith (J), Smith (M), Starkey, Stewart, Stout, Trammell, Tucker, Turner, Turnham, Venable, Waggoner, Ward, Warren, Whatley, Williams, Willis, Wyatt and Zoghby:

H. J. R. 334. EXTENDING BEST WISHES TO MISS MARGARET LOUISE HANBY AND MR. MONTGOMERY FELD.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 334, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following House Joint Resolution and ordered same returned to the Senate with a favorable report, to-wit:

H. J. R. 339. URGING THAT EVERY PUBLIC AND PRIVATE BUSINESS BE ENCOURAGED TO EMPLOY WELFARE RECIPIENTS.

Mr. Robertson offered the following substitute for the Resolution, H. J. R. 339, to-wit:

## SUBSTITUTE FOR H. J. R. 339

URGING THAT EVERY PUBLIC AND PRIVATE BUSINESS BE ENCOURAGED TO EMPLOY WELFARE RECIPIENTS.

WHEREAS, the Legislature of the State of Alabama has enacted into law Act No. 80-381, which establishes the Alabama Human Resources Board; and



WHEREAS, it is the intent of this piece of legislation to utilize all available manpower in this state and the Act provides the mechanism to carry out this intent; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That we do hereby encourage and urge that the Alabama Human Resources Board do put every able bodied welfare recipient that is not actively seeking gainful employment to picking up trash on the side of the highways, cutting grass around school building and all other public buildings, and assigning said recipients to any non-profit governmental agency to perform janitorial, custodial or any other type work the recipient is suited to do.

Which was adopted.

And on motion of Mr. Robertson, said Resolution, H. J. R. 339, as thus amended by the substitute, was then concurred in and adopted by the Senate.

#### FURTHER CONSIDERATION OF H. B. 81

The Senate proceeded to further consideration of the Bill, H. B. 81. The question was on the amendment offered by Mr. Parsons.

On motion of Mr. deGraffenried, said amendment was laid on the table.

And said Bill, H. B. 81, was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Proctor
Bailey	Goodwin	Lemaster	St. John
Barron	Hall	Little	Smith
Britnell	Higginbotham	Martin	Taylor
Callahan	Holmes	Miller	Teague
Cook	Keener	Mitchem	Weeks
deGraffenried			—24
<i>Nays:</i>			—0

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 555. To authorize and make provision for any municipality or any department, board, bureau, commission or agency of any municipality, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant, appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality and each such municipal public corporation to anticipate the receipt of the proceeds of any

such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or such municipal public corporation under authority of laws other than this act.

said Conference Report being in words and figures as follows:

REPORT OF CONFERENCE COMMITTEE  
ON HOUSE BILL 555

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning House Bill 555, have met, considered the matter, and agreed to the following report.

We recommend that the Senate recede from its amendment to the Bill and that both Houses adopt the Conference Committee Amendment as follows:

Amend House Bill 555, in the Synopsis, by adding after the word "municipalities" wherever it appears, the words or counties.

Further amend the Bill in the Title as follows: After the word "municipality" on Lines 15, 17, 20 and 26 by inserting or county and on line 36 after the word "municipalities" by inserting or counties and on Page 2, Line 8, after the word "municipality" by inserting or county.

Further amend the Bill in Section 1, Page 2, immediately following Line 14, by adding the following:

"County" means any county in the State of Alabama.

Further amend the Bill, Section 3, Page 3, Line 30, after the word "Municipalities" by inserting, Counties and on Line 31 after the word "municipality" by inserting or county

Further amend the Bill, Section 3, Page 4, Line 22, after the word "municipality" by inserting, County.

Further amend the Bill, Section 4, Page 5, Line 15, after the word "Municipality" by inserting or County.

Further amend the Bill, Section 6, Page 5, Line 31, after the word "Municipality" by inserting or County

Further amend the Bill, Section 7, Page 5, Line 35, after the word "Municipalities" by inserting, Counties

J. DAVID STOUT,  
ROBERT E. "BOB" PATTON,  
JAMES E. RAY,  
Conferees of the House.  
JAMES LEMASTER,  
CHARLES B. MARTIN,  
BOBBY DENTON,  
Conferees of the Senate.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Martin, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 555, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	Parsons
Bailey	Goodwin	Lemaster	Proctor
Barron	Hall	Little	St. John
Britnell	Higginbotham	Martin	Taylor
Cook	Holmes	Miller	Teague
Denton	Keener	Mitchem	Vacca

—23

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

said Conference Report being in words and figures as follows:

#### REPORT OF COMMITTEE OF CONFERENCE ON H. B. 1120

We the Committee of Conference appointed to reconcile the disagreement between the two houses concerning the Senate's amendment to H. B. 1120 have met, considered the bill as amended, and have agreed to the following report:

1. We recommend that the Senate recede from its amendment to the bill.
2. We recommend that the bill be amended as follows and then passed by both houses:

In the title on line 13 strike the period and insert the following in lieu thereof:

; to provide that the first fee schedule shall also be the fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

In Section 2, on line 29 after the period, insert the following:

The first fee schedule shall remain in effect until the end of the 1980 fiscal year. The county governing body shall adopt a new fee schedule for each succeeding fiscal year. Said new fee schedule may be the same or different from the schedule of the preceding fiscal year. Provided, however, that no fee shall be collected after the beginning of the fiscal year, unless the county governing body has acted on the new fee schedule.

On page 2 on line 12, insert the following new Section 7 and renumber the present Section 7 and all following sections accordingly:

Section 7. The county board of health shall not have authority to prohibit the installment or turning on of electrical services by a public utility to buildings based on the failure of the sewage system or septic tank to meet health regulations.

Respectfully submitted,

LYNN GREER,

NELSON STARKEY,

TOM COBURN,

Conferees on the part of the House.

BOBBY DENTON,

LARRY KEENER,

CHARLES B. MARTIN,

Conferees on the part of the Senate.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Denton, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 1120, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:  
Bailey  
Barron

Britnell  
Callahan  
Cook

Denton  
Glass  
Hall

Holmes  
Keener  
Kirkland

REGULAR SESSION  
30th Day

2317

Lemaster  
Little  
Martin  
McDonald

Miller  
Parsons  
Pearson  
Proctor

Smith  
Taylor  
Teague

Vacca  
Weeks  
White

—25

Nays:

—0

BILLS ON THIRD READING RESUMED

The Bill:

H. 332. This bill amends Section 22-21,24, Code of Alabama, 1975, by increasing the annual fee for a hospital license.

was taken up.

The Standing Committee on Health and Welfare reported the following substitute for the Bill, H. B. 332, to-wit:

COMMITTEE SUBSTITUTE FOR H. B. 332

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license and providing further for the accreditation and licensing of hospitals.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 22-21-24, Code of Alabama, 1975, is hereby amended to read as follows:

“§ 22-21-24.

“The application for a license to operate a hospital shall be accompanied by a standard fee of \$60.00 \$100.00, plus a fee of \$1.00 \$3.00 per bed for each bed to be licensed in accordance with regulations promulgated under section 22-21-28. Increase in a hospital's bed capacity during the calendar year is assessed at the standard fee of \$60.00 \$100.00 plus \$1.00 \$3.00 each for the net gain in beds. No fee shall be refunded. All fees received by the state board of health under the provision of this article shall be paid into the state treasury to the credit of the state board of health and shall be used for carrying out the provisions of this article. All licenses issued under this article shall expire on December 31 of the year in which it was issued. All licenses shall be on a form prescribed by said department, shall not be transferable or assignable, shall be issued only for the premises named in the application, shall be posted in a conspicuous place on the licensed premises and may be renewed from year to year upon application, investigation and payment of the required license fee, as in the case of procurement of the original license. All fees collected under this article are hereby appropriated for expenditure by the state health department. All hospitals which are accredited by the joint commission on accreditation of hospitals shall be deemed by the State Health Department to be licensable without further inspection or survey by the personnel of the State Department of Health. Further accreditation by the joint commission on accreditation of hospitals shall in no way relieve that hospital of the responsibility of applying for licensure and remitting the appropriate licensure fee as specified in this article.”

Section 2. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 3. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Which was adopted.

Yeas 28; Nays 1.

*Yeas:*

Messrs.:	Gulledge	Little	St. John
Bailey	Hall	Martin	Smith
Britnell	Higginbotham	McDonald	Taylor
Cook	Holmes	Miller	Teague
deGraffenried	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks
Figures	Lemaster	Proctor	White
Goodwin			

—28

*Nay:* Mr. Robertson

—1

And said Bill, H. B. 332, as thus amended by the substitute, was read a third time at length and passed.

Yeas 27; Nays 0

*Yeas:*

Messrs.:	Figures	Lemaster	St. John
Bailey	Gulledge	Little	Smith
Barron	Hall	Martin	Taylor
Britnell	Higginbotham	McDonald	Teague
Cook	Holmes	Miller	Vacca
deGraffenried	Keener	Mitchem	Weeks
Denton	Kirkland	Parsons	White

—27

*Nays:*

—0

The Bill:

H. 164. To re-open the Teachers' and Employees' Retirement Systems of Alabama for non-membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and to provide that this Act shall take effect October 1, 1980, and to provide for its termination.

was read a third time at length and passed.

Yeas 23; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Britnell	Glass	Higginbotham
Bailey	Cook	Goodwin	Holmes
Barron	Denton	Hall	Keener

REGULAR SESSION  
30th Day

2319

Kirkland	McDonald	Parsons	Taylor
Lemaster	Miller	Robertson	Teague
Little	Mitchem	St. John	Weeks
			—23

Nays: —0

Abstaining: Mr. White —1

The Bill:

H. 457. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and service of process, to provide for executing and service of process, in certain instances, by mail.

was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Little	St. John
Bailey	Gulledge	Martin	Smith
Barron	Hall	Miller	Taylor
Britnell	Higginbotham	Mitchem	Teague
deGraffenried	Keener	Parsons	Weeks
Glass	Kirkland	Proctor	—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 213. To amend further sections 36-32-1 through 36-32-8 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Kirkland, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 213, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 213

Amend S. B. 213 on page 11, line 20, after the word "act" by striking the following: and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer,

Further amend S. B. 213, on page 11, beginning on line 26, by striking subsection (b) in its entirety.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	<b>Hall</b>	<b>Little</b>	<b>Parsons</b>
Britnell	<b>Higginbotham</b>	<b>Martin</b>	<b>Proctor</b>
Denton	<b>Keener</b>	<b>McDonald</b>	<b>Smith</b>
Glass	<b>Kirkland</b>	<b>Miller</b>	<b>Taylor</b>
Gulledge	<b>Lemaster</b>	<b>Mitchem</b>	<b>Teague</b>

—19

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Mr. Manley:

H. J. R. 318. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Monday, May 19, 1980, they shall adjourn sine die.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 318, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Venable:

H. J. R. 353. HONORING EDRIE VARNER GEDDIE, ELEMENTARY SCHOOL TEACHER, ELMORE COUNTY SCHOOL SYSTEM.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Teague, the Rules were suspended and the Resolution, H. J. R. 353, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the Senate amendment to the bill:



H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

and Conference Report being in words and figures as follows:

REPORT OF COMMITTEE OF CONFERENCE  
ON HOUSE BILL 925

We, the Committee of Conference appointed to reconcile the disagreement between the two houses concerning House Bill 925, have met, considered the bill, and have agreed to the attached:

GEORGE CLARK,  
NELSON STARKEY,  
HUGH BOLES,

Conferees on the part of the House.

BOBBY DENTON,  
LARRY KEENER,  
H. L. CALLAHAN,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR H. B. 925

A BILL  
TO BE ENTITLED  
AN ACT

To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable

river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

Be It Enacted by the Legislature of Alabama:

Section 1. Definitions. Whenever used in this Act, unless the context plainly indicates otherwise, the present term shall include the future term, the singular shall include the plural, the plural shall include the singular, the masculine shall include the feminine, and the following words and phrases shall have the following meanings respectively ascribed to them by this Section:

(a) "authority" means a non-profit public corporation organized pursuant to the provisions of this Act.

(b) "authorizing subdivision" means any county or municipality to which application has been made for authority to incorporate an authority under this Act.

(c) "board" means the board of directors of an authority.

(d) "director" means a member of the board of directors of an authority.

(e) "county" means any county in this state.

(f) "governing body" means, with respect to a county, the county commission and, with respect to a municipality, the council, commission or other governing body of such municipality.

(g) "municipality" means any incorporated city or town in this state.

(h) "indenture" means any mortgage, indenture of mortgage, deed of trust, trust agreement or trust indenture executed by an authority as security for its bonds.

(i) "project" means any land, any interest in land, any building, structure or improvement thereon, any machinery, equipment, furniture, furnishings, facility or personal property, or any of them, which, in the judgment of the board of an authority is suitable for use by the authority in carrying out its powers and the functions authorized by this Act, including, without limitation, ports, docks, and all kinds of dock facilities, water and rail terminals and facilities, wharves, piers, berths, quays, loading and unloading facilities and other related facilities, marinas, boating facilities, facilities for aquatic entertainment and sports, facilities for fishing, pavillions, auditoriums, motels, restaurants, coffee shops, stores, warehouses, factories, manufacturing plants, industrial plants, office and other commercial buildings and facilities, or any of them.

(j) "waterfront property" means any property on or near any navigable river in this state.

Section 2. Legislative intent: construction of the Act generally.

(a) It is the intention of the Legislature by the passage of this Act to authorize the incorporation of authorities as non-profit public corporations to develop waterfront property for recreational, transportation, agricultural, industrial and commercial purposes by financing, acquiring, enlarging, improving, replacing, owning, operating, selling, leasing and disposing of a project or projects or any part thereof. It is the further intent of the Legislature by the passage of this Act to vest an authority with all powers that may be necessary to enable it to accomplish such purposes.

(b) This Act shall be liberally construed in conformity with the said intention.

Section 3. Incorporation of authorities. Whenever any number of natural persons not less than three shall file with the governing body of a county and with the governing body of any municipality located, in whole or in part, in such county, an application in writing for authority to incorporate a public corporation under the provisions of this Act and shall attach to such application a proposed form of certificate of incorporation for such corporation, said governing bodies shall each proceed to consider such application. If said governing bodies shall each by appropriate resolution duly adopted, find and determine that each applicant was a duly qualified elector of and taxpayer in the county in which the application was filed and that it is wise, expedient, necessary or advisable that the authority be formed, shall authorize the persons making such application to proceed to form such authority and shall approve the form of certificate of incorporation proposed to be used in organizing such authority, then the persons making such application shall execute, acknowledge and file a certificate of incorporation for the authority as provided in Section 4 thereof.

No authority shall be formed unless such application shall have first been filed as hereinabove provided and the governing bodies of the authorizing subdivisions shall each have adopted resolutions as provided in this section. Provided, however, said authority must also be approved by the Alabama State Docks Department.

Section 4. Certificate of Incorporation and its contents: execution and acknowledgment.

(a) The certificate of incorporation shall set forth:

(1) The names and resident addresses of the applicants together with a recital that each of them is a duly qualified elector of and taxpayer in the county;

(2) The name of the authority which shall be \_\_\_\_\_ Port Authority (the blank spaces to be filled in with the names of the authorizing subdivisions if such name shall be available for use by the authority, and if not available then the incorporators shall designate some other similar name that is available);

(3) A recital that permission to organize the authority has been granted by resolution duly adopted by the governing body of each authorizing subdivision and the Alabama State Docks Department and the respective dates of adoption of said resolutions;

(4) The location of the principal office of the authority (which shall be in the municipality) and its post office address;

(5) A statement that the authority is organized for the purposes set forth in this Act with all the powers and authorities specified in this Act.

(6) The geographical boundaries of the authority's jurisdiction, which shall be situated within the boundaries of the county which is an authorizing subdivision and extend along the banks of a navigable river and inland for a distance of not more than three miles from said river.

(7) The period, if any, for the duration of the authority (if the duration is to be perpetual that fact shall be so stated); and

(8) Any other matter which the applicants may choose to insert therein which shall not be inconsistent with this Act or with the laws of the State of Alabama;

(b) The certificate of incorporation shall be subscribed and acknowledged by each of the applicants before an officer or officers authorized by the laws of the State of Alabama to take acknowledgments to deeds.

Section 5. Same—filing with Probate Judge; examination, approval and recordation by Probate Judge. When executed and acknowledged in conformity with Section 4 hereof, the certificate of incorporation shall be filed with the judge of probate of the county which is an authorizing subdivision. The judge of probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of Section 4 have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state so as to lead to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office. The recording of the certificate of incorporation shall be conclusive evidence that the required findings and approvals have been made.

When such certificate has been so made, approved and filed, the applicants shall constitute a public corporation under the name set forth in the certificate of incorporation.

Section 6. Same—amendment. The certificate of incorporation may at any time and from time to time be amended so as to make any changes therein and add any provisions thereto which might have been included in the certificate of incorporation in the first instance.

Such an amendment shall be effected in the following manner: the board of the authority shall file with the governing body of each authorizing subdivision a resolution seeking permission to amend the certificate of incorporation, specifying in such resolution the amendment proposed to be made.

The governing body of each authorizing subdivision shall consider such resolution and, if each of them shall be appropriate resolution duly find and determine that it is wise, expedient, necessary or advisable that the proposed amendment be made and shall authorize the same to be made and shall approve the form of the proposed amendment, then the authority shall cause to be executed an instrument embodying the proposed amendment and shall file the same with the judge of probate of the county in which the certificate of incorporation was originally filed. The proposed amendment shall be subscribed and acknowledged by its President or Vice President before an officer authorized by the laws of Alabama to take acknowledgments to deeds. Such judge of probate shall thereupon examine the proposed amendment and, if he finds that the requirements of this Section have been complied with and the proposed amendment is within the scope of what might be included in an original certificate of incorporation, he shall approve the amendment and record it in an appropriate book in his office. When such amendment has been so made, approved and filed, it shall thereupon become effective and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment. No certificate of incorporation shall be amended except in the manner provided in this Section. The recording of the amendment shall be conclusive evidence that the requisite findings and approvals have been made.

Section 7. Directors. An authority shall have a board of directors in which all of the powers of the authority shall be vested, and which shall consist of five members. Two directors shall be elected by the governing body of the county which is an authorizing subdivision, two directors shall be elected by the governing body of the municipality which is an authorizing subdivision, and one director shall be elected jointly by the governing bodies of both such county and such municipality. The directors shall be so elected that they shall hold office for staggered terms. The first term of office of one of the two directors elected by the governing body of the county shall be for two years and the first term of office of the other director elected by said governing body shall be for four years. The first term of office of one of the two directors elected by the governing body of the municipality shall be for one year and the first term of office of the other director elected by said governing body shall be for three years. The first term of office of the director elected jointly by the governing bodies of the county and the municipality shall be for five years. Thereafter, the term of office of each director shall be five years. If at the expiration of any term of office of any director a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be so elected. Each director elected by the governing body of one of the authorizing subdivisions shall be a resident of the authorizing subdivision by whose governing body he was elected, but the director elected jointly by the governing body of both authorizing subdivisions need only be a resident of the county. If a director resigns, dies, or becomes incapable or ineligible to act as director, a successor to serve the unexpired period of his term shall be elected by the governing body or bodies by which the director whose unexpired term he is to fill was elected. Directors shall be eligible for re-election by the governing body or bodies by which they were initially elected. No director shall be an officer or employee of the state or of an authorizing subdivision.

(b) A majority of the members of the board shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of

a quorum to exercise all the powers and duties of the authority. Any matter in which the board is authorized to act may be acted upon at a regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by ayes and nays entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the authority and recorded in a well-bound book which shall open for inspection by each director and the public at all reasonable times. Copies of such proceedings when certified by the secretary of an authority under its seal shall be received in all courts as evidence of the matters and things therein certified. Directors and officers of an authority shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. Any director may be impeached and removed from office in the manner and on the same grounds provided for in Section 175 of the Constitution of Alabama of 1901, and the general laws of the State for impeachment and removal of officers mentioned in said Section 175. An authority shall make to its authorizing subdivisions an annual report of its activities and of its plans for the future, which report shall include a financial operating statement and balance sheet prepared and certified by the Examiner of Public Accounts for the State of Alabama or by a certified public accountant.

Section 8. Officers. The officers of an authority shall consist of a president, a vice president, a secretary, a treasurer, and such other officers as the board may determine. The office of secretary and treasurer may be held by the same person. All officers shall be elected by the board and shall be members of the board.

Section 9. Powers.

(a) An authority organized and existing under this Act shall have the following powers, together with all powers incident thereto or necessary for the performance of those stated herein:

(i) To adopt by-laws for the regulation of its affairs and the conduct of its business;

(ii) To adopt an official seal and alter the same at pleasure;

(iii) To maintain a principal office in the municipality which is an authorizing subdivision and sub-offices at such other place or places within the county which is an authorizing subdivision as its board may designate;

(iv) To sue and be sued in its own name, excepting actions in tort against the authority;

(v) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

(vi) To acquire, whether by purchase, construction, exchange, gift or otherwise and to improve rights of way, streets, approaches, roads, railroads lines, interests in land, including the fee, simple title to real property and riparian rights necessary or useful and convenient in gaining access, entry, or approach to waterways, whether or not such easements, rights of way, streams, approaches, roads, railroads lines, interests in land and riparian rights lead to property owned or controlled by the authority;

(vii) To acquire, receive, take, hold, whether by purchase, gift, lease, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same and to develop any undeveloped property owned, leased or controlled by it;

(viii) To sell and convey, or grant options for such purpose, any or all of its projects or properties, whenever its board shall find such action to be in furtherance of the purposes for which the authority was organized;

(ix) To exchange or donate any or all of its projects or properties whenever its board shall find such action to be in furtherance of the purposes for which an authority was organized;

(x) To execute such contracts or instruments and to take such action as may be necessary or convenient to carry out the purposes of this Act or to exercise any power or authority granted herein;

(xi) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions, limitations and conditions as its board may approve;

(xii) To operate a project or projects or parts thereof other than factories, manufacturing plants and industrial plants;

(xiii) To furnish food, lodging, shelter, lawful drinks, confections, reading matter, oil, gas, motor fuels, watercraft, motor and watercraft parts, equipment and the services of mechanics, instructors and repairmen for reward or compensation;

(xiv) To charge fees for admission to any of its properties;

(xv) To borrow money for the purpose of carrying out any of its powers and to issue its bonds or other securities in evidence thereof, including bond anticipation notes;

(xvi) ~~To assign and pledge any revenues received by an authority from the lease, sale or operation of any or all of its projects or any part or parts thereof as security for the payment of the principal of and interest and premium, if any, on any bonds or other securities and the performance of any agreements made in connection therewith, whether then owned or thereafter acquired;~~

(xvii) To appoint, employ, contract with and provide for compensation for such employees and agents, including engineers, architects, attorneys, consultants, fiscal advisors, and such other employees or agents as the business of the corporation may require, including the power to fix working conditions by general rules and other conditions of employment, and at its option to provide a system of disability payments, retirement compensation and pension or any of them and to hire and fire servants, agents and employees at will;

(xviii) To make and execute contracts and other instruments necessary to exercise the powers of the authority;

(xix) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any project or projects or parts thereof owned or controlled by an authority;

(xx) To make and enforce rules and regulations governing the use of any project, property or facilities owned or controlled by an authority;

(xxi) To provide such insurance, including use and occupancy insurance, as its board may deem advisable;

(xxii) To cooperate with the State, any department or agency of the State, any county, municipality or other political subdivision of the State or with the United States of America or any of its departments or agencies or any corporation or authority organized or controlled by the United States of America, and to make such contracts therewith as its board may deem advisable;

(xxiii) To receive and accept grants for and in aid of construction, extension, improvement, maintenance or operation of any of its facilities or properties from the United States of America or any agency or department thereof or any corporation or authority organized or controlled thereby, from the State or any agency or department thereof, any political subdivision thereof or any municipality or county, and to receive and accept money, property, labor or other things of value from any source whatsoever.

(b) Any project or projects of any authority may be located at any place or places within the geographical boundaries of the authority's jurisdiction as set forth in its certificate of incorporation or any amendment provided however no project or part thereof shall be located within the corporate limits or police jurisdiction of a municipality which is not an authorizing subdivision unless the governing body of such municipality has first adopted a resolution consenting to the location of such project or part thereof within its corporate limits or police jurisdiction, as the case may be.

Section 10. Bonds—form, terms, denominations, redemption and other provisions, sale and delivery. All bonds and securities issued by an authority shall be payable solely out of the revenues derived by the authority from the leasing, sale or operation of any or all of its projects as may be designated in the proceedings of its board under which the same shall be authorized to be issued. None of the bonds, securities or notes of an authority shall ever constitute an obligation or debt of the State, of any authorizing subdivision, or of any county or municipality of the State or a charge against the credit or taxing powers of any of them.

Bonds of an authority may be executed and delivered by the authority at any time and from time to time, may be in such form and denominations and of such tenor and maturities, may be in registered or bearer form, either as to principal or interest or both, may be payable at such time or times not exceeding forty years from their date, may be made subject to redemption, may be payable at such place or places whether within or without the State of Alabama, may bear interest at such rate or rates (including variable rates), payable at such time or times and at such place or places and evidenced in such manner, and may contain such other provisions not inconsistent with this Act, all as shall be provided in the proceedings of its board whereunder the bonds shall be authorized to be issued. Any bond having a stated maturity more than ten years after its date shall state that it is subject to redemption at the option of the authority at the expiration of ten years from its date and on any interest payment date thereafter at such price or prices and after such notice or notices and on such terms and in such manner as may be provided in the proceedings wherein such Bond is authorized to be issued.

Any bonds of an authority may be sold at public or private sale in such manner and from time to time as may be determined by its board to be most advantageous and the authority may pay all expenses, premiums, fees and commissions that its board may deem necessary or advantageous in connection with the issuance thereof.



The issuance by an authority of one or more series of bonds for one or more purposes shall not preclude it from issuing other bonds in connection with the same project or other projects, but the proceedings whereunder any subsequent bonds may be issued shall recognize and protect any prior assignment, lien or indenture for any prior issue of bonds unless in the proceedings authorizing such prior issue the right was reserved to issue subsequent bonds on a parity with such prior issue.

All bonds shall contain a recital that they are issued pursuant to the provisions of this Act, which recitals shall be conclusive that they have been duly authorized pursuant to the provisions of this Act.

All bonds issued hereunder and any interest coupons applicable thereto are hereby made and shall be construed to be negotiable instruments.

Section 11. Same—Execution. All bonds shall be signed by the president or vice president and the secretary or treasurer of the authority and the seal of the authority shall be affixed thereto; provided that a facsimile of the signature of one, but not both, of the officers whose signatures will appear on the bonds may be imprinted thereon in lieu of his manually signing the same; and provided further, that a facsimile of the seal of the authority may be imprinted or otherwise reproduced on the bonds in lieu of being manually affixed thereto. Coupons shall be signed by the president or vice president and the secretary or treasurer of the authority, but a facsimile of the signature of such president or vice president and such secretary or treasurer may be imprinted on any such interest coupons in lieu of their manually signing the same. Delivery of bonds so executed shall be valid notwithstanding any changes in officers or in the seal of the authority after the signing and sealing of the bonds.

Section 12. Same—Indenture, Lien; Remedies of Bondholders. In the discretion of its board, any bonds issued by an authority may be secured by an indenture between an authority and a trustee, which may be any trust company or bank having trust powers, whether such bank or trust company is located within or without the State. In any such indenture or resolution providing for the issuance of bonds an authority may pledge, for payment of the principal of and the interest on such bonds, any of its revenues to which its right then exists or may thereafter come into existence and may assign, as security for such payment, any of its leases, franchises, permits and contracts; and in any such indenture, an authority may mortgage any of its properties, including any that may be thereafter acquired by it, and may provide that in the event of a default in payment of the bonds secured thereby or in the event of default with respect to any agreement contained therein, such mortgage may be foreclosed either by sale at public outcry or by judicial proceedings. Any such pledge of revenues shall be valid and binding from the time it is made, and the revenues so pledged and thereafter received by the authority shall immediately become subject to the lien of such pledge without any physical delivery thereof or further act. The lien of such pledge shall be valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the authority, irrespective of whether the parties have actual notice thereof, from the time a statement is filed in the office of the judge of probate of the county and any other county in which any part of the property, the revenues from which are so pledged, is located. Such notice need state only the date on which the resolution authorizing the issuance of the bonds was adopted by the board, the principal amount of bonds issued, a brief description of the revenues so pledged and a brief description of any property the revenues from which are so pledged. In any indenture or resolution authorizing the issuance of bonds and pledging for the benefit

thereof revenues from any one or more of its facilities, the authority shall have the power to include provisions customarily contained in instruments securing evidence of indebtedness, including, without limiting the generality of the foregoing, provisions respecting the collection, segregation and application of any rental or other revenue due to or to become due to the authority, the terms to be incorporated in any lease agreement respecting any property of the authority, the maintenance and insurance of any building, structure or other property owned by the authority, the creation and maintenance of special funds from any revenue of the authority and the rights and remedies available in the event of default to the holder of the bonds or the trustee under the indenture, all as its board shall deem advisable and as shall not be in conflict with the provisions of this Act. If there be any default by an authority in payment of the principal of or the interest on the bonds or in any of the agreements on the part of an authority that may properly be included in any indenture securing the bonds or in any resolution authorizing their issuance, any holder of any of the bonds or any of the coupons, or the trustee under any indenture if so authorized in such indenture, may (in addition to any other remedies herein provided or otherwise available) by suit, action, mandamus or other proceedings, enforce payment of such principal or interest and compel performance of all duties of the board and officers of the authority, and shall be entitled as a matter of right and regardless of the sufficiency of any such security to the appointment of a receiver with all the powers of such receiver for the operation and maintenance of the property of the authority covered by such indenture or resolution and the collection, segregation and application of revenues therefrom. The indenture or any resolution may also contain provisions restricting the individual rights of action of the holders of the bonds and coupons.

Section 13. Same—Application of Bond Proceeds. The proceeds derived from the sale of any bonds shall be applied as provided in the proceedings in which the bonds are authorized to be issued, including without limitation, the payment of all legal, fiscal and recording fees and expenses incurred in connection with the authorization, sale and issuance of the bonds and if so provided in the proceedings authorizing their issuance, interest on said bonds (or, if a part only of any issue of bonds is issued for acquisition purposes, interest on that portion of the bonds of that issue that is issued to pay acquisition costs) for a reasonable period prior to and during the time required for the acquisition, construction and equipping of the project and for a period not exceeding eighteen months after the completion thereof. An authority may provide in the proceedings authorizing the issuance of bonds for the capitalization of a debt service reserve and/or a replacement and extension reserve from the proceeds of its bonds.

Section 14. Same—Refunding. An authority may at any time and from time to time issue refunding bonds for the purpose of refunding the principal of and the interest on any bonds of the authority theretofore issued hereunder and then outstanding, whether or not such principal and interest shall have matured at the time of such refunding, and for the payment of any expenses incurred in connection with such refunding and any premium necessary to be paid in order to redeem, retire or purchase for retirement the bonds to be refunded. The proceeds derived from the sale of any refunding bonds shall be used only for the purposes for which the refunding bonds were authorized to be issued. Any such refunding may be effected either by sale of the refunding bonds and the application of the proceeds thereof, or by exchange of the refunding bonds for the bonds or interest coupons to be refunded thereby; provided that the holders of any bonds or coupons so to be refunded shall not be compelled without their consent to surrender their bonds or

coupons for payment or exchange prior to the date on which they may be paid or redeemed by call of the authority under their respective provisions. All provisions of this Act pertaining to bonds of an authority that are not inconsistent with the provisions of this section shall, to the extent applicable, also apply to refunding bonds issued by such authority. An authority may at any time and from time to time issue bonds both for the purpose of so refunding the principal of and the interest on any of its bonds and for any other purpose for which it is authorized to issue bonds, in which event the provisions hereof respecting refunding bonds shall apply only to that portion of such combined issue authorized for refunding purposes and the provisions thereof respecting other financing shall apply to the remaining portion of such combined issue.

Section 15. Liability of Authorizing Subdivisions upon bonds, obligations and agreements of an authority. Neither of the authorizing subdivisions of an authority shall in any event be liable for the payment of the principal of, interest and premium, if any, on any bonds of an authority or for the performance of any pledge, assignment, indenture, obligation or agreement of any kind whatsoever which may be undertaken by an authority and none of the bonds of an authority or any of its agreements or obligations shall be construed to constitute an indebtedness of any authorizing subdivision within the meaning of any constitutional or statutory provision whatsoever.

Section 16. Disposition of Net Earnings. Each authority organized hereunder shall be a non-profit public corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event its board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the authority, then any net earnings of an authority thereafter accruing shall be paid in equal amounts to its authorizing subdivisions.

Section 17. Bonds are legal investments. Bonds issued under this Act are hereby made legal investments for executors, administrators, trustees and other fiduciaries and for savings banks and insurance companies organized under the laws of the State of Alabama.

Section 18. Dissolution of an authority and disposition of properties. Whenever the board of any authority shall by resolution determine that the purposes for which the authority was formed have been substantially complied with and any bonds theretofore issued and all obligations theretofore incurred by the authority have been paid, the authority shall thereupon execute and file for record in the office of the judge of probate of the county in which its certificate of incorporation was filed a certificate of dissolution reciting such facts and declaring the authority to be dissolved. Such certificate of dissolution shall be signed by the president or vice president of the authority under its corporate seal.

Upon the filing of such certificate of dissolution the authority shall stand dissolved, the title to all funds and properties owned by it at the time of such dissolution shall vest in equal shares in its authorizing subdivisions and the possession of such funds and properties shall forthwith be delivered to such authorizing subdivisions.

Section 19. **Exemption from taxation** Each authority incorporated under this Act and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the State of Alabama, including, without limitation, ad valorem, sales, excise, license and privilege taxes. The certificate

of incorporation of each authority, the certificate of dissolution of each authority, all deeds or other documents whereby properties are conveyed to an authority and all deeds, indentures or leases executed by an authority may be filed for record in the office of the judge of probate of the county in which the authority is organized without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instrument.

Section 20. Exemption—usury and interest laws. Each authority incorporated under this Act shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, without limitation, the provisions of Chapter 8, Title 8 of the Code of Alabama 1975.

Section 21. Construction of Act.

(a) Neither this Act nor anything contained in this Act shall be construed as a restriction or limitation upon any powers which an authority may otherwise have under any laws of this State, but shall be construed as cumulative of any such powers.

(b) No proceedings, notice or approval shall be required for the organization of an authority or the issuance of any bond or any indentures or instruments as security therefor, except as provided in this Act, any other law to the contrary notwithstanding; provided, that nothing in this Act shall be construed to deprive the State or its governmental subdivisions of their respective police powers over any properties of the authority or to impair any power thereof of any official or agency of the State or its governmental subdivisions which might be otherwise provided by law.

Section 22. Filing with Securities Commission. An authority proposing to issue any bonds under the authority of this Act shall comply with and be entitled to the benefits of the pre-issuance procedures specified in Article 5, Chapter 6, Title 8 of Code of Alabama 1975.

Section 23. Correction of Errors or Omissions in Incorporation. If an authority formed under this Act has failed to comply with the requirements of this Act in its organization, such omission or defeat may be corrected as follows:

(a) Its board shall file with the governing body of each authorizing subdivision of the authority a resolution seeking permission to correct the defect or omissions specifying such defect or omission in the resolution.

(b) The governing body of each such authorizing subdivision shall consider such resolution and if each shall by appropriate resolution duly find and determine that it is advisable that the proposed correction be made and shall authorize the same to be made, then the president or vice president of the authority shall execute an instrument in the name of the authority embodying the corrections and shall file the same with the judge of probate of the county in which the certificate of incorporation was originally filed. Such filing shall relate back to the organization of the authority except as to rights of third parties which have intervened.

Section 24. Severability. In the event any provision of this Act shall be invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

Section 25. Repeal. All laws or parts thereof which conflict with this Act are hereby repealed.

Section 26. Effective Date. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

And said bill as thus amended by the Report of the Committee on Conference was again read and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE AND CONFERENCE MESSAGE

On motion of Mr. Denton, the Senate concurred in and adopted the Report of the Committee on Conference appointed to reconcile the disagreement of the two Houses on the Senate amendment to the Bill, H. B. 925, the title of which and said Conference Report are set out in the foregoing Message from the House.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Hall	Little	St. John
Britnell	Higginbotham	Martin	Smith
Denton	Holmes	McDonald	Taylor
Glass	Keener	Miller	Teague
Goodwin	Kirkland	Mitchem	Weeks
Gulledge	Lemaster	Robertson	White

—23

*Nays:*

—0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 339. To provide for a minimum salary for certain probate judges. by a majority of those voting, said vote being Yeas 45, Nays 8.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those voting, said vote being Yeas 52, Nays 12.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 529. To amend Sections 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Little, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 529, the title of which is set out in the foregoing Message from the House, to-wit:

### HOUSE AMENDMENT TO S. B. 529

Amend S. B. 529, Section 1, page 3, line 26, by striking after the word "or" the words highway patrolman and inserting in lieu thereof the words State Trooper.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Lemaster	St. John	
Barron	Harrison	Little	Smith	
Britnell	Higginbotham	Martin	Taylor	
Glass	Holmes	McDonald	Teague	
Goodwin	Keener	Miller	White	
Gulledge	Kirkland	Mitchem		—22

*Nays:*

—0

### LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

was taken up.

The Standing Committee on Local Legislation No. 2 reported the following amendment to the Bill, H. B. 550, to-wit:

### COMMITTEE AMENDMENT TO H. B. 550

Amend H. 550 as follows:

On page one, in Section 1, delete the words and figure: "Twelve Thousand Dollars (\$12,000)" and insert in lieu thereof the words and figure:

Ten Thousand Five Hundred Dollars (\$10,500)

On motion of Mr. White, said amendment was laid on the table.

Mr. White then offered the following amendment to the Bill, H. B. 550, to-wit:

### AMENDMENT TO H. B. 550

Amend H. B. 550 as follows:

On page 1, Section 1, delete the words and figure: Twelve Thousand Dollars (\$12,000) and insert in lieu thereof the words and figure:

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Eight Thousand One Hundred Dollars (\$8,100)

Which was adopted.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	McDonald	Smith
Britnell	Hall	Miller	Taylor
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	White
Denton	Lemaster		
			—25

*Nays:* —0

And said Bill, H. B. 550, as thus amended, was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Barron	Goodwin	McDonald	Smith
Britnell	Hall	Miller	Taylor
Callahan	Holmes	Parsons	Vacca
Cook	Keener	Pearson	White
Denton	Lemaster		
			—25

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Patton:

H. J. R. 357. DESIGNATING ACT NO. 80-585, SENATE BILL 357, AS THE MITCHEM-KELLEY ACT.

WHEREAS, State Senator Hinton Mitchem and State Representative Phil Kelley have worked long and hard to create a vehicle to provide mortgage monies for low and moderate income families who have been priced out of the housing market due to high interest rates and the absence of conventional mortgage money; and

WHEREAS, they have also recognized the need to provide increased employment in the very depressed housing industry and for its subcontractors, suppliers, product manufacturers, etc., to facilitate the improvement of the economy in this state; and

WHEREAS, there exists a critical need for new housing in all parts of the state; and

WHEREAS, Senator Mitchem and Representative Kelley sponsored legislation in their respective houses to provide for a State Housing Finance Authority to provide mortgage money through existing lending institutions; and

WHEREAS, said legislation will allow those who would otherwise be precluded from home ownership to become home owners; and

WHEREAS, the home building and associated businesses and industries will be able to sustain increased employment and contribute to the improvement of the economy in their community and the state; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That Act No. 80-585, Senate Bill 357, of the 1980 Regular Session of the Legislature, is hereby designated as "The Mitchem-Kelley Act."

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Senator Hinton Mitchem and to Representative Phil Kelley.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Martin, the Rules were suspended and the Resolution, H. J. R. 357, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Greer:

H. J. R. 343. REQUESTING STATE BOARD OF HEALTH TO NOTIFY LOCAL BOARDS OF HEALTH TO STOP PRACTICES OF REGULATING ELECTRICAL SERVICES TO BUILDINGS FOR FAILURE TO MEET CERTAIN SPECIFICATIONS.

WHEREAS, The Office of the Attorney General released an opinion on May 8, 1980 which held that neither the State nor a county board of health can prohibit the turning on of electrical services to buildings based on the failure of the sewage or septic system to meet health department regulations; and

WHEREAS, the reasoning of the May 8, 1980 Attorney General Opinion is based on a recent Alabama Supreme Court case, Baldwin County Board of Health vs. Baldwin County Electric Membership Corporation, 355 S. 2d 708 (1978); now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That this body strongly requests that the State Board of Health notify each local board of health to cease and desist from the practice of prohibiting the installment of, or turning on of, or otherwise regulating, electrical services to buildings which fail to meet health regulations concerning sewage systems or septic tanks.

JOHN W. PEMBERTON,  
Clerk.



HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 343, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Payne:

H. J. R. 329. COMMENDING E. B. ERWIN HIGH SCHOOL'S BAND UPON RECEIVING TOP HONORS IN THE GREAT AMERICAN MUSIC FESTIVAL IN ORLANDO, FLORIDA.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Hall, the Rules were suspended and the Resolution, H. J. R. 329, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

RESOLUTION

Mr. Kirkland offered the following Senate Resolution, to-wit:

S. R. 237. HONORING MR. PRICE E. ROBINSON, EXECUTIVE SECRETARY OF THE ALABAMA FIREFIGHTERS PERSONNEL STANDARDS AND EDUCATION COMMISSION.

Which was adopted.

LOCAL BILLS ON THIRD READING RESUMED

The Bill:

H. 621. Relating to the Fifteenth Judicial Circuit; to allow the Presiding Judge or the Presiding Judge of the Criminal Division of the Fifteenth Judicial Circuit, upon motion of the District Attorney for such circuit, to empanel more than one Grand Jury to sit in session simultaneously.

was read a third time at length and passed.

Yeas 25; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Proctor
Barron	Harrison	McDonald	St. John
Callahan	Holmes	Miller	Taylor
Cook	Keener	Mitchem	Vacca
Denton	Kirkland	Parsons	Weeks
Figures	Lemaster	Pearson	White
Glass	Little		

—25

*Nays:*

—0

REPORT OF COMMITTEE OF  
CONFERENCE ON S. B. 540

We, the Committee of Conference, appointed to reconcile the disagreement between the two houses concerning Senate Bill 540, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,

RICHARD MANLEY,

JAMES G. SASSER,

Conferees on the part of the House.

FINIS ST. JOHN,

J. RICHMOND PEARSON,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE  
FOR S. B. 540A BILL  
TO BE ENTITLED  
AN ACT

To provide a 16% increase in the state compensation payable to certain personnel in public education.

Be It Enacted by the Legislature of Alabama:

Section 1. Legislative intent. It is the intent of the legislature to provide a 16% salary increase in the state salary paid to the education personnel enumerated in Section 2 of this act. Such increase is intended to be based exclusively on the base state salary paid to such personnel during fiscal year 1978-79. By this act the legislature directs that the aforesaid 16% increase for fiscal year 1980-81 be paid from funds incorporated in and appropriated by the education appropriations act (pending S. B. 315) for the support and maintenance of public education in Alabama for the fiscal year ending September 30, 1981; it is not the intent of this act to appropriate additional monies for this purpose.

Section 2. The state budget officer shall allocate to the state board of education for disbursement to the local school systems, the technical, junior, and community colleges, the board of the Alabama Institute for Deaf and Blind, and the board of the Department of Youth Services, the funds necessary to grant a 16% increase in the amount of the base state salary paid to the below named education personnel; allocation shall be based on the following:

(a) State base salary payable during the 1978-79 fiscal year to teacher units funded by the Alabama Special Educational Trust Fund for all elementary-secondary programs (including vocational) and certified academic and vocational instructors at the Alabama Institute for Deaf and Blind and in the Department of Youth Services.

(b) State base salary payable during the 1978-79 fiscal year to full-time lunchroom workers, bus drivers, and all other support personnel in the elementary-secondary systems and at the Alabama Institute for Deaf and Blind.

All full-time support personnel, except lunchroom and cafeteria personnel, shall be authorized a full 16% salary increase to be distributed by the state board of education.

It is the intent of the legislature that local boards of education shall not decrease lunchroom workers salaries below the amount paid in 1979-80 and shall increase the salaries of all cafeteria and lunchroom workers a full 16%. This increase shall be paid by the local boards of education.

Any salary increase formerly granted to lunchroom workers shall be funded by the state in the amount of \$800 per lunchroom worker subject to the following conditions. The amount of \$800 per lunchroom worker shall be allotted only when a certification has been received by the state board of education from the local board of education stating that the local board of education has increased the salaries of lunchroom workers by 16% based on salaries for 1978-79 school year without any reduction for any increase funded by the state during that year.

If the local board of education elects not to receive the \$800 per lunchroom worker, the local board of education shall not be required to grant the 16% salary increase to lunchroom workers or to maintain any salary at the 1979-80 school year level.

(c) State base salary payable during the 1978-79 fiscal year to all full-time instructors, librarians, counselors, and such other full-time personnel as designated by the state board of education who are employed in the technical, junior and community colleges.

Section 3. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### CONFERENCE REPORT

On motion of Mr. Pearson, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. B. 540. To provide a 16% increase in the state compensation payable to certain personnel in public education.

Yeas 25; Nays 9.

*Yeas:*

Messrs.:	Figures	Little	Proctor
Bailey	Glass	Martin	St. John
Britnell	Gulledge	McDonald	Smith
Callahan	Hall	Mitchem	Teague
Cook	Higginbotham	Parsons	Vacca
deGraffenried	Keener	Pearson	White
Denton	Lemaster		

*Nays:*Messrs.:  
Barron  
GoodwinHarrison  
Holmes  
KirklandMiller  
RobertsonTaylor  
Weeks

—9

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 91. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

by a majority of those elected to the House, said vote being Yeas 65, Nays 1.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those elected to the House, said vote being Yeas 75, Nays 1.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Executive amendment to the Bill:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents or charged with a moving vehicle violation on the uniform accident report form or citation.

by a majority of those elected to the House, said vote being Yeas 55, Nays 3.

And said Bill, as amended by the Executive amendment, was again read at length and passed by a majority of those elected to the House, said vote being Yeas 63, Nays 1.

And said Bill, together with the Executive amendment, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 74. Relating to Tuscaloosa County; to provide further for the salaries of the coroner and deputy coroner; and to provide for an expense allowance for the coroner.

Also:

H. 546. To amend further Act No. 929, Section 676, Regular Session 1971 (Acts 1951, Page 1579), as extensively amended by act no. 1272, Section 620, Regular Session 1973 (Acts 1973, Page 2124), and other amendatory acts, which relate to the establishment of a pension and relief or retirement and relief system for officers, employees, or their dependents, of any city having a population of 250,000 according to the 1970 or any subsequent federal decennial census, so as to allow participants therein to purchase credit for certain of their prior unclassified service with the city.

Also:

H. 571. To provide further a salary increase for certain state employees and to appropriate funds therefor for the fiscal year ending September 30, 1981.

Also:

H. 773. Relating to Jefferson County; providing further for the salary of the tax assessor.

Also:

H. 852. Relating to Tuscaloosa County; to authorize and provide for the establishment, operation and financing of a Public Defender Office for the representation and defense of persons accused of crime who are declared indigent by the courts; to establish a Public Defender Commission to operate said office; to define the powers, duties of and limitations upon said Commission and the Public Defender; to provide for the selection and compensation of the Public Defender and for the employment and compensation of the Assistant Public Defenders and the personnel of said office, and for the expenses of said office; to provide for the resignation and removal of the Public Defender and personnel of the Public Defender Office; to provide for the taxing and

collecting of additional court costs in certain courts in said counties for such purpose and for the expenditure thereof; to provide for continued opportunity for other lawyers to be appointed to represent such indigent persons accused of crime; to provide for the pro rata return of any excess money in the Public Defender Fund to the counties and municipal bodies from which received.

Also:

H. 853. To repeal Act No. 839, S. 907, 1975 Regular Session (Acts of 1975, p. 1674) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants, which created a Public Defender Office and Act No. 1286, H. 1694, 1971 Regular Session (Acts of 1971, p. 2208) relating to counties with a population of not less than 110,000 nor more than 150,000 inhabitants which created a Public Defender Office.

Also:

H. 944. To alter the boundary line between Bibb and Tuscaloosa County.

Also:

H. 992. To authorize, provide for, and regulate the furnishing of office space and secretarial assistants to the legislative delegation in Mobile County.

Also:

H. 1083. Relating to Tuscaloosa County; authorizing the county governing body and the governing bodies of municipalities in the county to adopt ordinances which protect the historic architectural character of the county, including designating historic districts, creating certain agencies to regulate and promote the preservation of such districts, which are located or are to be located in the designated historic districts, and adopting other provisions necessary to effect the purposes of this Act.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 533. To make appropriations for the ordinary expenses of the executive, legislative and judicial departments of the State, for other functions of government, for interest on the public debt, for capital outlay, and for the public schools for the fiscal year ending September 30, 1981.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 1. To provide in addition to benefits now received, a graduated percentage cost-of-living increase to all persons retired under the Teachers' Retirement System and Employees' Retirement System of Alabama, prior to October 1, 1979, provided that no person whose retirement under the Employees' Retirement System is based primarily upon service as an employee of an employer participating under Section 36-27-6, shall be entitled to receive said increase unless the employer by which he was employed elects to come under the provisions of this Act; provided further that employees in this class whose employer was a local board of education or a state supported institution of higher education shall be entitled to said increase and the cost associated therewith shall be financed from existing funds of the Employees' Retirement System and the Teachers' Retirement System under certain conditions; to provide that any person whose eligibility to receive Medicaid benefits would be impaired by the increase granted herein shall not be entitled to receive said increase; to provide that such increase shall not apply to persons receiving benefits under the Judicial Retirement Fund of Alabama; and to provide for the repeal of conflicting laws.

Also:

S. 367. To amend Section 9-13-11 of the Code of Alabama 1975, relating to forest fire protection so as to provide for the requirement of obtaining burning permits before setting a controlled fire; to provide for revoking such permits; and to provide further for criminal penalties for violations.

Also:

S. 377. To amend Section 20-2-75 of the Code of Alabama 1975, Alabama's Uniform Controlled Substances Act, so as to change the provisions relating to possession of and transactions in drug related objects; to change the definitions of certain terms; to change the penalties; to prohibit certain activities relating to drug related objects; to provide for defenses; to declare certain instruments, devices, and objects to be contraband; to provide for severability; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; to provide for forfeiture for objects possessed, sold or given away in violation hereof; and for other purposes.

Also:

S. 512. To amend Section 1-3-8 of the Code of Alabama 1975, relating to state holidays and providing for bank closings on certain holidays so as to change the date on which state banks may be closed in observance of National Memorial Day.

Also:

S. 533. To provide that a legal licensed lending institution, a vendor making credit sales or credit leases, any financial institution operating in Alabama or any individual may charge and collect an interest surcharge; and to provide for an alternative maximum allowable interest rate or finance charge to be determined by the prime rate charged by certain banks; to provide for open-end credit plans; and to provide for the termination of the provisions of this act.

Also:

S. 542. To amend Section 37-3-4 of the Code of Alabama 1975, known as the Alabama Motor Carrier Act, so as to provide that any motor carrier who transports property exclusively by open top dump trucks and trailers without pneumatic loading and unloading devices shall be exempt from those provisions of the Motor Carrier Act which provide for the filing of tariffs, schedules or contracts or the establishment of rates and to provide that all carriage by such vehicles be conducted pursuant to an otherwise lawful agreement.

Also:

S. J. R. 225. MOURNING THE DEATH OF LEE COUNTY SHERIFF JAMES PEARSON, JR.

Also:

S. 403. To provide a flat fee on certain vehicles using liquefied petroleum gas as fuel in lieu of an excise tax on such fuel; to provide procedures for application and payment of fees; to provide for the governing of the decal; and to provide penalties.

Also:

S. 404. To amend Section 40-17-1 of the Code of Alabama 1975 relating to the definitions of motor fuel so as to exclude liquefied gas from such definitions.

Also:

S. 434. To amend Section 44-1-51, Code of Alabama 1975, which relates to the membership of the Youth Services Board, so as to increase the membership.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.



REPORT OF COMMITTEE ON  
CONFERENCE ON S. B. 315

We, the Committee of Conference, appointed to reconcile the disagreement between the two houses concerning Senate Bill 315, have met, considered the bill, and have agreed to the attached:

WALTER OWENS,  
RICHARD MANLEY,  
JAMES G. SASSER,

Conferees on the part of the House.

J. RICHMOND PEARSON,  
G. J. HIGGINBOTHAM,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 315

A BILL  
TO BE ENTITLED  
AN ACT

To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Be It Enacted by the Legislature of Alabama:

SECTION 1. There is hereby appropriated, for the support of public education in Alabama for the fiscal year ending September 30, 1981 and for the public debt, to be paid out of funds specified in subsection (a) of Section 2 of this Act, the amounts specified in Sections 3 to 7, inclusive. For the purpose specified in subsection (b) of Section 2 of this Act, amounts are shown by programmatic area and the total for all programs are shown so as to include estimated sources of funds other than the appropriation made in subsection (a) of Section 2 of this Act. For the purpose of this Act, "ASETF" shall mean Alabama Special Educational Trust Fund.

SECTION 2. (a) The appropriations provided for in this Act shall be paid from funds in the State Treasury to the credit of the Alabama Special Educational Trust Fund, Alabama Special Educational Trust Fund Surplus Account, Special Mental Health Fund, and Public School Fund and are hereby made for the support of public education in Alabama for the fiscal year ending September 30, 1981 and except as may be otherwise expressly provided, the appropriations herein made shall be subject to the provisions, terms, conditions and limitations of the Budget and Financial Control Act (Article 4, Chapter 4, Title 41 of the Code of Alabama, 1975), the provisions of Act No. 494 adopted at the 1976 Regular Session, and shall be in the amounts hereinafter specified.

(b) Amounts shown herein under the columns "Trust Funds" and "Appropriation Total" are set forth for the purpose of indicating amounts estimated to be available by programmatic area from sources other than from appropriations made in subsection (a) of this Section 2, in order, upon consideration of such other funds so estimated to be available, to promote the accountability for and efficient use of the funds available to and hereby appropriated by the Legislature, it being the intention hereof to make appropriations only from the funds referred to in subsection (a) of this Section 2.

Provided, that if, at the end of any fiscal year, a pay period which has been or may be established by the Legislature providing for the payment of salaries of State employees overlaps from one fiscal year into the next fiscal year, payment for the total pay period shall be made from the new fiscal year's appropriation.

## SECTION 3.

## A. STATE AGENCIES

## 1. Academy of Honor, Alabama

(a) Historical Resources Management Program .....	950
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## SOURCE OF FUNDS:

(1) ASETF .....	950	
Total Alabama Academy of Honor	<u>950</u>	<u>950</u>

## 2. Arts and Humanities, Council on the

(a) Fine Arts Program .....	1,100,000
(b) Birmingham Symphony .....	200,000
(c) Alabama Shakespeare Festival	25,000

## SOURCE OF FUNDS:

(1) ASETF .....	525,000		
(2) Federal and Local Funds ....		<u>800,000</u>	
Total Council on the Arts and Humanities .....	<u>525,000</u>	<u>800,000</u>	<u>1,325,000</u>

## 3. Debt Service

(a) For the payment of principal and interest due on bonds issued by the University of Alabama Research Institute pursuant to Constitutional Amendment No. CLVII .....

214,525

## (b) Interest on Endowments:

For interest on University of Montevallo (Alabama College) Endowment, Estimated ...

45,000

For interest on Auburn University Endowment .....

20,280

For interest on University of Alabama Endowment .....

61,000

For interest on Grove Hill Endowment .....

600

For interest on Public School Fund Endowment:

Interest on 16th Section lands, Estimated .....

410,000

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Interest on School Indemnity  
Lands, Estimated ..... 90,000

Interest on Valueless 16th Section  
Lands ..... 5,825

Interest on Surplus  
Revenue ..... 26,764

Interest on James Wallace  
Fund ..... 275

Total ..... 874,269

SOURCE OF FUNDS:

(1) ASETF .....	874,269	
Total Debt Service .....	<u>874,269</u>	<u>874,269</u>

4. Dental Scholarship Awards,  
Board of

(a) Support of Other Educational Activities Program .....		228,000
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SOURCE OF FUNDS:

(1) ASETF .....	228,000	
Total Board of Dental Scholarship Awards .....	<u>228,000</u>	<u>228,000</u>

(To be expended under the provi-  
sions of Act No. 662, 1977 Regu-  
lar Session.)

5. Education, Department of

(a) Instructional Technical Assis- tance Program .....		7,644,166
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The proposed spending plan for the  
above is as follows:

Right-to-Read ..... 80,250

Career Education ..... 105,600

Special Education Administra-  
tion ..... 525,000

State Fire College and Technical  
Assistance Program at Shelton  
State Community College  
..... 250,000

Vocational Education ... 700,000

SOURCE OF FUNDS:

(1) ASETF .....	1,660,850		
(2) Federal and Local Funds ....		<u>5,983,316</u>	
Total Instructional Technical As- sistance Program .....	<u>1,660,850</u>	<u>5,983,316</u>	<u>7,644,166</u>

(The appropriation for Special Education Administration is the same appropriation as set out in Act No. 67, approved June 27, 1963 and shall be expended in accordance with that Act.)

(b) Local Agency Support Program .....	10,951,660
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The proposed spending plan for the above is as follows:

Coordination of In-School Television .....	114,159
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School Bus Driver Training and Vehicle Safety Inspection .....	206,045
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Free Textbooks .....	8,500,000
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In addition to the above appropriation, \$1,500,000 is hereby appropriated for Free Textbooks to be conditioned on the availability of funds and the approval of the Governor.

Testing .....	800,000
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Plans and Surveys .....	71,132
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#### SOURCE OF FUNDS:

(1) ASETF .....	9,691,336		
(2) Federal and Local Funds ....		<u>1,260,224</u>	
Total Local Agency Support Program .....	<u>9,691,336</u>	<u>1,260,224</u>	<u>10,951,560</u>

(c) Regulation Program .....			974,640
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Teacher Certification and Accreditation .....	227,000
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#### SOURCE OF FUNDS:

(1) ASETF .....	227,000		
(2) Federal and Local Funds ....		<u>747,640</u>	
Total Regulation Program .....	<u>227,000</u>	<u>747,640</u>	<u>974,640</u>

(d) Administrative Services Program .....			9,912,665
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The proposed spending plan for the above is as follows:

Compact for Education ...	29,000
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Operations and Maintenance of Department .....	2,300,000
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Telephone Revolving Fund .....	1,200,000
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SOURCE OF FUNDS:

(1) ASETF .....	3,529,000		
(2) Federal and Local Funds ....		<u>6,383,665</u>	
Total Administrative Services Program .....	<u>3,529,000</u>	<u>6,383,665</u>	<u>9,912,665</u>

The above appropriation shall include a transfer to the State Personnel Department of \$67,905.

(e) Adult Education Program ...			4,351,706
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The proposed spending plan for the above is as follows:

Adult Basic Education 1,000,000  
Community Education ... 96,000

SOURCE OF FUNDS:

(1) ASETF .....	1,096,000		
(2) Federal and Local Funds ....		<u>3,255,706</u>	
Total Adult Education Program ..	<u>1,096,000</u>	<u>3,255,706</u>	<u>4,351,706</u>

(f) Support of State Universities Program .....			256,833
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....		<u>256,833</u>	
Total Support of State Universities Program .....		<u>256,833</u>	<u>256,833</u>

(g) Projects-Vocation Rehabilitation/Crippled Children Services Program .....			4,324,007
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....		<u>4,324,007</u>	
Total Projects-Voc. Rehab/Crippled Children Services Program ....		<u>4,324,007</u>	<u>4,324,007</u>

(h) Disability Determination for Social Security Program .....			8,336,401
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....		<u>8,336,401</u>	
Total Disability Determination for Social Security Program .....		<u>8,336,401</u>	<u>8,336,401</u>

(i) Skill Enhancement and Employment Opportunities Program .....			8,181,221
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SOURCE OF FUNDS:

(1) Federal and Local Funds ....		<u>8,181,221</u>	
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Total Skill Enhancement and Employment Opportunities Program .....	<u>8,181,221</u>	<u>8,181,221</u>
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(j) Support of Other Educational Activities .....		10,000
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The proposed spending plan for the above is as follows:

Education of Dependents of Blind Parents .....	10,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>10,000</u>
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Total Support of Other Educational Activities .....	<u>10,000</u>	<u>10,000</u>
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For reimbursement of every State Institution of Higher Learning, College, University, or Trade School or Junior College, in which benefits are given to dependents of blind parents under the provisions of Act No. 281, 1966 Special Session.

(k) Emergency Medical Services Education Program .....	1,350,000
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To be distributed by the Department of Education as follows:

(1) West Alabama Emergency Medical Services, Inc. .	225,000
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(2) Birmingham Regional Emergency Medical System .....	225,000
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(3) North Alabama Emergency Medical Services, Inc. .	225,000
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(4) Southeast Alabama Emergency Medical Services System, Inc. ....	225,000
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(5) East Alabama Emergency Medical Services, Inc. .	225,000
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(6) Southwest Alabama Emergency Medical Services Council, Inc. ....	225,000
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The amounts herein appropriated shall be used for the operation and maintenance of the various medical services programs named and for the purchase of instructional supplies and new instructional equipment for such programs.

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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,350,000</u>		
Total Emergency Medical Services Education Program .....	<u>1,350,000</u>		1,350,000
(1) Direct Client Services for the Handicapped .....			41,550,140
Crippled Children Services Program .....	4,300,000	3,058,200	7,358,200
Hemophilia Program .....	300,000		300,000
Homebound Program .....	2,600,000		2,600,000
Rehabilitation Services Program .....	6,220,000	24,871,940	31,091,940
Handicapped Recreation Program .....	200,000		200,000
(To provide recreation and services at a year round accredited handicapped recreation facility).			

SOURCE OF FUNDS:

(1) ASETF .....	13,620,000		
(2) Federal and Local Funds ....		<u>27,930,140</u>	
Total Direct Client Services for the Handicapped .....	<u>13,620,000</u>	<u>27,930,140</u>	<u>41,550,140</u>

Total Department of Education

SOURCE OF FUNDS:

(1) ASETF .....	31,184,186		
(2) Federal and Local Funds ....		<u>66,659,153</u>	
Grand Total Department of Education .....	<u>31,184,186</u>	<u>66,659,153</u>	<u>97,843,339</u>

6. Employees Insurance, State

SOURCE OF FUNDS:

(1) ASETF .....	<u>405,400</u>		
Total State Employees Insurance .....	<u>405,400</u>		<u>405,400</u>

7. Employees Retirement, State . 200,332

SOURCE OF FUNDS:

(1) ASETF .....	<u>200,332</u>		
Total State Employees Retirement .....	<u>200,332</u>		<u>200,332</u>

8. Examiners of Public Accounts

(a) Legislative Support-Audit Services Program .....			1,061,017
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For purposes of auditing all phases of public education.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>1,061,017</u>	
Total Examiners of Public Accounts .....	<u>1,061,017</u>	<u>1,061,017</u>

## 9. Fine Arts, Alabama School of

(a) Fine Arts Program .....		985,000
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## SOURCE OF FUNDS:

(1) ASETF .....	900,000	
(2) Federal and Local Funds ....		<u>85,000</u>
Total Alabama School of Fine Arts .....	<u>900,000</u>	<u>85,000</u>
		<u>985,000</u>

## 10. Firefighters' Personnel Standards and Education Commission, Alabama

(a) Professional and Occupational Licensing & Regulation Program .....		135,325
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The appropriation to the Alabama Firefighters' Personnel Standards and Education Commission shall include a transfer to the State Personnel Department of \$196.

## SOURCE OF FUNDS:

(1) ASETF .....	<u>135,325</u>	
Total Alabama Firefighters' Personnel Standards and Education Commission .....	<u>135,325</u>	<u>135,325</u>

## 11. Health, Department of Public

(a) Health Support Services Program .....		500,000
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For immunization of preschool children and students and for public school food sanitation.

(b) Personal Health Improvement Program .....		750,000
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Provided, however, that the above appropriation shall be expended only for the continuation of a perinatal program whose expenditure guidelines shall be developed in conjunction with the Perinatal Advisory Committee of the State Committee of Public Health. Such guidelines shall be comprehensive enough to serve as a statewide perinatal plan in meeting federal matching requirements.



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SOURCE OF FUNDS:

(1) ASETF .....	<u>1,250,000</u>		
Total Department of Public Health .....	<u>1,250,000</u>		<u>1,250,000</u>

12. Higher Education, Commission on

(a) Planning & Coordination Services Program .....			905,272
(b) Alabama Student Assistance Program .....			1,818,607
(c) Alabama Student Grant Program .....			3,000,000

SOURCE OF FUNDS:

(1) ASETF .....	4,443,867		
(2) Federal and Local Funds ....		<u>1,280,012</u>	
Total Commission on Higher Education .....	<u>4,443,867</u>	<u>1,280,012</u>	<u>5,723,879</u>

The Alabama Student Grant funds are to be expended in accordance with Act No. 90, 1978, Second Special Session.

13. Historical Commission, Alabama

(a) Historical Resources Management Program .....			100,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>		
Total Alabama Historical Commission .....	<u>100,000</u>		<u>100,000</u>

The above appropriation shall be expended as follows:

Fort Toulouse .....	75,000
Historic Blakely Foundation .....	25,000

14. Industrial Development Training Institute, Alabama

(a) Industrial Training Program .....	1,660,000
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SOURCE OF FUNDS:

(1) ASETF .....	1,600,000		
(2) Federal and Local Funds ....		<u>60,000</u>	
Total Alabama Industrial Development Training Institute ....	<u>1,600,000</u>	<u>60,000</u>	<u>1,660,000</u>

## 15. Junior College School System

(a) Academic Instruction and Institutional Support Program ..	71,496,956
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## SOURCE OF FUNDS:

(1) ASETF .....	44,745,763		
(2) Federal and Local Funds ....		10,235,056	
(3) State Funds .....		846,012	
(4) Other Funds .....		10,900,045	
(5) Auxiliary Enterprises .....		<u>4,770,080</u>	
Total Junior College School System .....	<u>44,745,763</u>	<u>26,751,193</u>	<u>71,496,956</u>

This appropriation to the Alabama State Board of Education for the Junior College Equalization Account is to be used for operation and maintenance of the Junior Colleges listed below and is to be distributed on the following formula: \$200,000 to each Junior College. The remainder of the appropriation is to be allotted to each Junior College in accordance with its percentage of the total credit hours attempted for the four quarters of the school year 1979-80 by all the Junior Colleges listed in this appropriation, provided, however, the nursing and allied health programs will be funded on a cost basis based upon the 1979-80 academic year in accordance with the number of quarter hours attempted within the departments. Junior colleges with credit producing programs in Alabama Correctional Institutions shall be reimbursed for tuition that is waived. Continuing education unit hours shall be excluded from the computations herein required. (The above appropriation is to be distributed to the following Junior Colleges: (1) Alexander City State Junior College; (2) S. D. Bishop State Junior College; (3) Brewer State Junior College; (4) John C. Calhoun State Community College; (5) Chattahoochee Valley Community College (Phenix City); (6) Jefferson Davis State Junior College; (7) Enterprise State Junior College; (8) James H. Faulkner State Junior College; (9) Gadsden State Junior College; (10) Patrick Henry State Junior College; (11) Jefferson State Junior College; (12) Theodore A. Lawson State Community College; (13) Northeast Alabama State Junior College; (14) Northwest Alabama State Junior College; (15) Snead State Junior College; (16) Southern Union State Junior College; (17) George Corley Wallace State Community College (Selma); (18) George C. Wallace State Community College (Dothan); (19) Lurleen B. Wallace State Junior College; (20) George C. Wallace Community College at Hanceville; (21) Shelton State Community College.) Of the above appropriations contained herein in Section 3-A-14 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the state junior college program.

## 16. Law Institute, Alabama

(a) Support of Other Educational Activities Program .....	211,000
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## SOURCE OF FUNDS:

(1) ASETF .....	<u>211,000</u>		
Total Alabama Law Institute ....	<u>211,000</u>		<u>211,000</u>

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17. Legislature

(a) House and Senate Operations and Support Program .....	1,500,000
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SOURCE OF FUNDS:

(1) ASETF .....	1,500,000	
Total Legislature .....	1,500,000	1,500,000

18. Library Service, Public

(a) Public Library Service Pro- gram .....	4,159,162
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The appropriation to the Public Li-  
brary Service shall include a  
transfer to the State Personnel  
Department of \$2,700.

SOURCE OF FUNDS:

(1) ASETF .....	3,000,000	
(2) Federal and Local Funds ....	1,159,162	
Total Public Library Service ....	3,000,000	4,159,162

19. Marine Environmental Sci-  
ences Consortium

(a) Support of Other Educational Activities Program .....	652,353
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SOURCE OF FUNDS:

(1) ASETF .....	512,000	
(2) Federal and Local Funds ....	140,353	
Total Marine Environmental Sci- ences Consortium .....	512,000	652,353

20. Medical Scholarships Awards,  
Boards of

(a) Support of Other Educational Activities Program .....	711,000
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SOURCE OF FUNDS:

(1) ASETF .....	711,000	
Total Board of Medical Schol- arships Awards .....	711,000	711,000

(To be expended under the provi-  
sions of Act No. 663, 1977 Regu-  
lar Session.)

21. Minimum Program and Public  
School Fund:

(a) Financial Assistance Program	474,344,337
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SOURCE OF FUNDS:

(1) ASETF .....	445,667,852
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(2) Public School Fund .....	24,000,000		
(3) Local Funds .....	<u>4,676,485</u>		
Total Minimum Program and Public School Fund .....	<u>445,667,852</u>	<u>28,676,485</u>	<u>474,344, 337</u>

The above appropriation shall be paid in accordance with Title 16, Article 3, Code of Alabama, 1975 and all other legislation pertaining thereto.

The appropriation hereinabove set out for the fiscal year 1980-81 is based on 24,395 teacher units.

It is provided in the event there are more than 24,395 earned teacher units for the fiscal year 1980-81, then such amount necessary to pay for these excess teacher units is hereby appropriated. It is further provided that in the event that there be less earned teacher units than those set out above then the amount that would have been necessary to pay for these earned teacher units shall not be allotted or paid.

In allocating the funds in sub-section (a) the State Board of Education shall allot as follows:

The amount necessary for the payment of Board of Adjustment awards in accordance with the Minimum Program statutes and regulations.

For "Other Current Expenses" a sum not to exceed \$2,630.33 for each earned teacher unit.

For Principal Supplement the sum shall not exceed \$100.00 for each earned teacher unit.

For Capital Improvements the sum shall not exceed \$64.87 for each earned teacher unit.

The above appropriation contained in sub-section (a) shall include an allotment for transportation in accordance with the formula adopted by the State Board of Education for the distribution of the funds to be used for transportation purposes but shall not exceed the sum of \$46,278,715.

## 22. Board of Education

(a) Financial Assistance Program	252,342,452
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### SOURCE OF FUNDS:

(1) ASETF .....	<u>252,342,452</u>
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Total Board of Education .....	<u>252,342,452</u>	<u>252,342,452</u>
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(a) To be distributed by State Board of Education for: Hospital Medical Insurance Assistance for Professional Staff, Support Staff, and Adult School Bus Drivers .....	15,500,000
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Of the appropriation hereinabove made for Hospital Medical Insurance there is hereby appropriated the sum of two hundred forty-seven dollars and twenty cents (\$247.20) per annum per teacher, administrative supervisory unit, full time support employee, and adult school bus driver, provided that no more than \$247.20 shall be appropriated per person.

(b) Teachers Sick Leave 3,890,000

Of the appropriation hereinabove made for Teachers Sick Leave the rate of not more than \$17 per day is hereby appropriated.

(c) Support Personnel Sick Leave ..... 900,000

The appropriation hereinabove shall provide sick leave in accordance with Act No. 208, 1977 Regular Session.

(d) Teachers Personal Leave ..... 1,000,000

The appropriation hereinabove made to Teachers Personal Leave provides for two (2) days personal leave at \$17 per teacher unit for each teacher employed (except ESEA Title I, Title III and Title IV teachers and ESAA teachers).

(e) Funds to Replace Fees ..... 10,637,550

Of the appropriation hereinabove made for Funds to Replace Fees there is hereby appropriated two hundred and fifty dollars (\$250) per teacher unit for grades K-6 and three hundred dollars (\$300) per teacher unit for grades 7-12 for all teachers employed (except ESEA, Title I, Title III and Title IV teachers and ESAA teachers).

(f) Maintenance ..... 6,000,000

(g) Continuation of funds previously granted for Special Education ..... 28,140,268

Of the appropriation hereinabove made \$1,200,000 shall be allocated to local boards of education and administered through the State Department of Education for meeting matching requirements of Federal Legislation (P.L.

94-482) for vocational education for the handicapped. Of the \$28,140,268 for Special Education, \$250,000 shall be allocated to the Tuscaloosa Regional Handicapped School, \$250,000 shall be allocated to the Southwest Alabama School for Deaf and Blind and \$250,000 for the Vivian B. Adams School, \$25,000 shall be allocated to the Butler County Training School for the Mentally Retarded in Greenville, Alabama, \$25,000 shall be allocated to the Hope Haven School in Colbert County, \$25,000 shall be allocated to the Jasper Shriner School, \$25,000 shall be allocated to the Montgomery Institute of Neurological Development in Montgomery, Alabama, \$35,000 shall be allocated to the Birmingham Training Center for Brain-Injured Children in Birmingham, Alabama, \$25,000 shall be allocated to Project Independence in Coffee County, Alabama, \$50,000 to the Houston County Board of Education for the Vaughn-Blumberg Center for the Developmentally Disabled, and \$18,000 to Auburn University Pre-school for Multi-handicapped children. An amount approved by the State Board of Education may be distributed by the State Board of Education to the Alabama Institute for Deaf and Blind to implement the purposes of Act No. 106 and P. L. 94-142.

(h) Kindergarten teacher  
units ..... 18,836,410

The above appropriation is for 1,080 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(i) Driver Education .. 8,720,560

The above appropriation is for 500 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(j) Supportive teacher  
units ..... 30,382,431

The above appropriation provides for one extra unit or fraction thereof for each aggregate of fifteen units or fraction thereof earned on regular units in the Minimum Program, Kindergarten units in (h) and additional teacher units in (k). The above appropriation is for 1,742 teacher units and includes salaries, other current expenses, and capital outlay at the same rate as provided in the Minimum Program.

(k) Continuation of Teacher Units to reduce pupil-teacher ratio in grade 1-6 ..... 11,336,728

The above appropriation is for 650 teacher units and includes

salaries, other current expenses,  
and capital outlay at the same  
rate as provided in the Minimum  
Program.

(1) Special  
Education ..... 57,483,640

The above appropri-  
ation is for 3,250 teacher units  
and includes salaries, other cur-  
rent expenses, capital outlay,  
and transportation at the same  
rate as provided in the Minimum  
Program.

(m) Vocational teacher  
units ..... 53,317,265

The appropriation hereinabove for  
Vocational Education shall be  
disbursed or obligated in accord-  
ance with rules and regulations  
approved by the State Board of  
Education upon the recom-  
mendation of the State Superin-  
tendent.

(n) Salary increase for lunch-  
room workers formerly grant-  
ed ..... 6,197,600

23. Nursing, Alabama Board of

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 607,000

The appropriation to the Alabama  
Board of Nursing shall include a  
transfer to the State Personnel  
Department of \$540.

SOURCE OF FUNDS:

(1) ASETF—as provided in Act  
No. 68, 1977 Special Session,  
Scholarships for Graduate  
Nurses ..... 57,000

(2) Alabama Board of Nursing  
Trust Fund—as provided in Title  
34, Chapter 21, Code of Alabama  
1975, as amended ..... 550,000

Total Alabama Board of Nursing      57,000      550,000      607,000

24. Peace Officers Standards and  
Training Commission, Alabama

(a) Professional and Occupational  
Licensing and Regulation Pro-  
gram ..... 122,000

(b) Certified Law Enforcement Academy Programs .....	210,500
Jacksonville State University .....	40,000
University of Alabama ...	40,000
James H. Faulkner Jr. Col.	40,000
Troy St. Univ. Montgomery	40,000
Dept. of Public Safety—Craig AFB .....	50,500
The appropriation to the Alabama Peace Officers Standards and Training Commission shall include a transfer to the State Personnel Department of \$98.	

## SOURCE OF FUNDS:

(1) ASETF .....	332,500	
Total Alabama Peace Officers Standards and Training Commission .....	332,500	332,500
25. Physical Fitness, Commission on		
(a) Advisory Services Program ..		76,000
The appropriation to the Commission on Physical Fitness shall include a transfer to the State Personnel Department of \$196.		

## SOURCE OF FUNDS:

(1) ASETF .....	76,000	
Total Commission on Physical Fitness .....	76,000	76,000
26. Postsecondary Vocational-Technical Education System		
(a) Instructional and Institutional Support Program .....		49,358,228

## SOURCE OF FUNDS:

(1) ASETF .....	36,776,035		
(2) Federal and Local Funds ....		1,042,332	
(3) State Funds .....		563,944	
(4) Other Funds .....		7,691,145	
(5) Auxiliary Enterprises .....		3,284,772	
Total Postsecondary Vocational-Technical Education System ..	36,776,035	12,582,193	49,358,228



For the operations and maintenance of the Vocational Technical Schools listed below, to be distributed in accordance with a formula adopted by the State Board of Education.

(The above appropriation is to be distributed to the following Vocational-Technical Schools: (1) Atmore State Technical Institute; (2) Alabama Aviation and Technical College; (3) Alabama Technical College; (4) Harry M. Ayers State Technical College; (5) Bessemer State Technical College; (6) John C. Calhoun State Community College-Technical Division; (7) Carver State Technical College; (8) J. F. Drake State Technical College; (9) Gadsden State Technical Institute; (10) Richmond P. Hobson State Technical College; (11) J. F. Ingram State Technical Institute; (12) Theodore A. Lawson State Community College-Technical Division; (13) Douglas McArthur State Technical College; (14) Muscle Shoals State Technical College; (15) Northwest State Technical College; (16) N. F. Nunnelley State Technical College; (17) Opelika State Technical College; (18) John M. Patterson State Technical College; (19) Ed E. Reid State Technical College; (20) Shelton State Technical College; (21) Southwest State Technical College; (22) Chauncey Sparks State Technical College; (23) Council Trenholm State Technical College; (24) C. A. Fredd State Technical College; (25) Walker State Technical College; (26) George Corley Wallace State Community College-Technical Division (Selma); (27) George C. Wallace State Community College-Technical Division (Dothan); (28) George C. Wallace State Community College-Technical Division (Hanceville). Of the above appropriations contained herein in Section 3-A-25 not more than the sum of \$300,000 may be used by the State Board of Education for administration of the Vocational-Technical School Program.

27. Social Security (ASETF Share)

(a) For State's share of Social Security, Estimated .....	69,400,000
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(Includes payment to MICA)

SOURCE OF FUNDS:

(1) ASETF .....	<u>69,400,000</u>	
Total Social Security .....	<u>69,400,000</u>	<u>69,400,000</u>

28. Teachers' Retirement System of Alabama

(a) Retirement Systems Program, Estimated .....	170,073,900
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SOURCE OF FUNDS:

(1) ASETF-Teachers' Retirement System .....	161,313,900	
(2) ASETF-Teachers' Special Pensions Fund .....	<u>8,760,000</u>	
Total Retirement Systems Program (State's Share) .....	<u>170,073,900</u>	<u>170,073,900</u>

The above appropriation shall be expended in accordance with the statutes and regulations now or

hereafter existing relating to the  
expenditure of such Teachers'  
Retirement Fund.

## 29. Tenure Commission, State

(a) Regulation Program ..... 9,000

## SOURCE OF FUNDS:

(1) ASETF ..... 9,000

Total State Tenure Commission . 9,000 9,000

## 30. Television Commission, Education

(a) Educational TV Services Program ..... 2,455,000

(b) Public Radio Services Program ..... 176,000

## SOURCE OF FUNDS:

(1) ASETF ..... 2,000,000

(2) Federal and Local Funds .... 631,000

Total Education Television Commission ..... 2,000,000 631,000 2,631,000

31. Unemployment Compensation ..... 1,750,000

## SOURCE OF FUNDS:

(1) ASETF ..... 1,750,000

Total Unemployment Compensation ..... 1,750,000 1,750,000

## 32. Veterans' Education Benefits

(a) Administration of Veterans' Affairs Program ..... 1,215,000

## SOURCE OF FUNDS:

(1) ASETF ..... 1,215,000

Total Veterans' Education Benefits ..... 1,215,000 1,215,000

The above appropriation includes pro-rata administration costs of the Department of Veteran Affairs and for the reimbursement to every State Institution of Higher Learning, College, University, or Junior College, in which benefits are given to veterans, their wives, widows, or children under the provision of Act No. 767, 1965 Regular Session.

## 33. Youth Services, Department of

(a) Youth Services Program ..... 8,859,755

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The appropriation to the Department of Youth Services shall include a transfer to the State Personnel Department of \$19,787.

SOURCE OF FUNDS:

(1) ASETF .....	7,839,835		
(2) Federal and Local Funds ....		<u>1,019,920</u>	
Total Department of Youth Services .....	<u>7,839,835</u>	<u>1,019,920</u>	<u>8,859,755</u>

(To be expended in accordance with Act No. 816, 1973 Regular Session.)

34. Study Commission, Alabama Education

(a) Advisory Services Program ..	100,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>100,000</u>	
Total Alabama Education Study Commission .....	<u>100,000</u>	<u>100,000</u>

(To be used for educational studies in accordance with Act No. 15, 1969 Special Session.)

SECTION 4.

A. FINANCIAL ASSISTANCE TO NON-STATE EDUCATIONAL AGENCIES

1. American Legion and Auxiliary Scholarships

(a) Support of Other Educational Activities Program .....	4,700
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SOURCE OF FUNDS:

(1) ASETF .....	<u>4,700</u>	
Total American Legion and Auxiliary Scholarships .....	<u>4,700</u>	<u>4,700</u>

(To be expended under the provisions of Act No. 676, 1978 Regular Session.)

2. Arts Hall of Fame

(a) Fine Arts Program .....	6,000
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SOURCE OF FUNDS:

(1) ASETF .....	<u>6,000</u>	
Total Alabama Arts Hall of Fame .....	<u>6,000</u>	<u>6,000</u>

3. Environmental Quality Association, Alabama

(a) Environmental Education Program .....	175,000
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SOURCE OF FUNDS:

(1) ASETF .....	175,000
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Total Alabama Environmental Quality Association .....	175,000	175,000
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4. Opportunities Industrialization Centers

(a) Skills Enhancement and Employment Opportunities Program .....	175,000
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SOURCE OF FUNDS:

(1) ASETF .....	175,000
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Total Opportunities Industrialization Centers .....	175,000	175,000
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5. Sickie Cell Association, Inc., East Alabama

(a) Sickie Cell Education Program .....	30,000
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SOURCE OF FUNDS:

(1) ASETF .....	30,000
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Total East Alabama Sickie Cell Association .....	30,000	30,000
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6. Sylacauga Nurses Training School

(a) Support of Other Educational Activities Program .....	93,000
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SOURCE OF FUNDS:

(1) ASETF .....	93,000
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Total Sylacauga Nurses Training School .....	93,000	93,000
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SECTION 5. COLLEGES, UNIVERSITIES AND SCHOOLS

I. BOARD OF TRUSTEES OF UNIVERSITY OF ALABAMA

A. The University

1. Operations and Maintenance .	36,497,905	28,190,591	64,688,496
2. Research, Extension and Public Service .....	2,074,456	218,487	2,292,943
3. Emergency Medical Services .	141,533	92,632	234,165

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4. Center for Emotionally Disturbed Children .....	533,215	472,652	1,005,867
5. Nursing Scholarships .....	18,000		18,000
6. School of Mines .....	1,161,814	927,610	2,089,424
7. Family Practice Center .....	839,736	641,096	1,480,832
8. Alabama Museum of Natural History .....	167,273	44,164	211,437
9. College of Community Health Services Medical Education ...	2,440,008	1,260,000	3,700,008
10. Vocational Teacher Training .....	381,442	182,158	563,600
11. Cooperative University Upper Division Program .....	217,004	75,000	292,004
12. Rural Infant Stimulation Environment Program .....	140,465	63,429	203,894
13. High Risk Nursery .....	113,226		113,226
14. Safe State Program .....	173,923		173,923
15. Auxiliary Enterprises .....		<u>18,742,893</u>	<u>18,742,893</u>

**SOURCE OF FUNDS:**

(1) ASETF .....	44,900,000		
(2) Other Funds .....		<u>50,910,712</u>	
Total University of Alabama ....	<u>44,900,000</u>	<u>50,910,712</u>	<u>95,810,712</u>

**B. University of Alabama in Birmingham**

1. University College .....	15,583,842	12,437,344	28,021,186
2. School of Public and Allied Health .....	2,347,460	1,956,364	4,303,824
3. Regional Technical Institute ..	1,956,990	402,465	2,359,455
4. Joint Health Sciences .....	3,051,326	1,432,456	4,483,782
5. Student Nurses Loans .....	12,000		12,000
6. Nursing Scholarships .....	88,400		88,400
7. School of Nursing .....	3,407,980	2,375,206	5,783,186
8. Center for Labor Education and Research .....	285,196		285,196
9. Urban Research and Public Service .....	328,604		328,604
10. School of Medicine .....	17,605,115	45,971,958	63,577,073
11. School of Optometry .....	2,258,777	1,829,134	4,087,911
12. School of Dentistry .....	7,677,297	9,310,026	16,987,323
13. System Medical Education Program .....	529,440		529,440
14. Family and Other Primary Care Residency Program .....	1,705,271		1,705,271

The above appropriation shall be expended for residency programs as follows:

Anniston .....	268,654		
East End .....	268,654		
Jefferson County .....	268,655		
Montgomery .....	268,654		
Selma .....	362,000		
Gadsden .....	268,654		
15. Montgomery Internal Medicine .....	258,147		258,147
16. University Hospital .....	6,268,638	104,192,236	110,460,874
17. School of Engineering and Business .....	200,000		200,000
18. Public Health School .....	200,000		200,000
19. Department of Pediatrics ....	334,022		334,022
20. Health-Related Research and Public Service .....	3,036,903		3,036,903
21. Emergency Medical Training	173,392		173,392
22. Hypertension Research .....	420,600		420,600
23. Multipurpose Arthritis Center	420,600		420,600
24. Medical Genetics Program ..	200,000		200,000
25. Special Mental Health .....		3,222,284	3,222,284
26. Center for Development and Learning Disorders .....		544,707	544,707
27. Auxiliary Enterprises .....		<u>6,675,000</u>	<u>6,675,000</u>
SOURCE OF FUNDS:			
(1) ASETF .....	68,350,000		
(2) Special Mental Health Fund .		3,766,991	
(3) Other Funds .....		<u>186,582,189</u>	
Total University of Ala. in Bir- mingham .....	<u>68,350,000</u>	<u>190,349,180</u>	<u>258,699,180</u>
C. University of Alabama in Huntsville			
1. Operations and Maintenance .	6,721,621	6,235,320	12,956,941
2. School of Nursing Scholarships	18,000		18,000
3. Center for Management and Economic Research .....	50,000		50,000
4. School of Primary Medical Care	2,898,401	405,133	3,303,534
5. Community Medicine Rural Preceptorship Program .....	30,000		30,000
6. Johnson Environmental and Energy Center .....	287,541	1,489,765	1,777,306
7. Ambulatory Care Center .....	681,773	739,623	1,421,396

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8. School of Nursing .....	894,247	272,521	1,166,768
9. Paramedic Training .....	131,910		131,910
10. Alabama Solar Energy Center	286,507		286,507
11. Auxiliary Enterprises .....		<u>1,405,801</u>	<u>1,405,801</u>

SOURCE OF FUNDS:

(1) ASETF .....	12,000,000		
(2) Other Funds .....		<u>10,548,163</u>	
Total University of Alabama in Huntsville .....	<u>12,000,000</u>	<u>10,548,163</u>	<u>22,548,163</u>

II. BOARD OF TRUSTEES OF  
ALABAMA A & M UNIVER-  
SITY

A. Alabama A & M University

1. Operations and Maintenance .	9,425,000	11,475,698	20,900,698
2. Vocational Teacher Training .	275,000		275,000
3. Auxiliary Enterprises .....		<u>3,483,602</u>	<u>3,483,602</u>

SOURCE OF FUNDS:

(1) ASETF .....	9,700 000		
(2) Other Funds .....		<u>14,959,300</u>	
Total Alabama A & M University	<u>9,700,000</u>	<u>14,959,300</u>	<u>24,659,300</u>

III. BOARD OF TRUSTEES OF  
ALABAMA STATE UNIVER-  
SITY

A. Alabama State University

1. Operations and Maintenance .	8,350,000	4,006,200	12,356,200
2. Auxiliary Enterprises .....		<u>3,428,130</u>	<u>3,428,130</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,350,000		
(2) Other Funds .....		<u>7,434,330</u>	
Total Alabama State University .	<u>8,350,000</u>	<u>7,434,330</u>	<u>15,784,330</u>

IV. STATE BOARD OF EDUCA-  
TION

A. Athens State College

1. Operations and Maintenance .	1,620,000	1,396,954	3,016,954
2. Auxiliary Enterprises .....		<u>336,925</u>	<u>336,925</u>

SOURCE OF FUNDS:

(1) ASETF .....	1,620,000		
(2) Other Funds .....		<u>1,733,879</u>	
Total Athens State College .....	<u>1,620,000</u>	<u>1,733,879</u>	<u>3,353,879</u>

V. BOARD OF TRUSTEES OF  
AUBURN UNIVERSITY

## A. Auburn University

1. Operations and Maintenance .	39,902,614	30,344,666	70,247,280
2. School of Nursing .....	425,000		425,000
3. Educational Television .....	376,712		376,712
4. Center for Vocational and Adult Education .....	535,000		535,000
5. Clinical Psychology .....	117,700		117,700
6. Engineering Experiment Sta- tion .....	896,054		896,054
7. Public Service, Research and Extension .....	386,120		386,120
8. Energy Research .....	275,800		275,800
9. Food Animal Health & Disease Research .....	200,000		200,000
10. Auxiliary Enterprises .....		<u>21,926,138,</u>	<u>21,926,138</u>

## SOURCE OF FUNDS:

(1) ASETF .....	43,115,000		
(2) Other .....		<u>52,270,804</u>	
Total Auburn University .....	<u>43,115,000</u>	<u>52,270,804</u>	<u>95,385,804</u>

B. Agricultural Experiment Sta-  
tion

1. Operations and Maintenance .	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>
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## SOURCE OF FUNDS:

(1) ASETF .....	8,300,000		
(2) Other .....		<u>9,220,328</u>	
Total Agricultural Experiment Station .....	<u>8,300,000</u>	<u>9,220,328</u>	<u>17,520,328</u>

## C. Cooperative Extension Service

1. Operations and Maintenance .	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>
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## SOURCE OF FUNDS:

(1) ASETF .....	10,257,000		
(2) Other .....		<u>9,611,536</u>	
Total Cooperative Extension Ser.	<u>10,257,000</u>	<u>9,611,536</u>	<u>19,868,536</u>

D. Auburn University at  
Montgomery

1. Operations and Maintenance .	6,211,932	4,601,761	10,813,693
2. Montgomery Area Community Health Sciences Institute .....	52,068		52,068



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3. Public Service, Research and Extension (Center for Government and Public Affairs) .....	163,500	32,037	195,537
4. School of Nursing .....	272,500	3,010	275,510
5. Auxiliary Enterprises .....		<u>1,289,206</u>	<u>1,289,206</u>

SOURCE OF FUNDS:

(1) ASETF .....	6,700,000		
(2) Other .....		<u>5,926,014</u>	
Total Auburn U. at Montgomery	<u>6,700,000</u>	<u>5,926,014</u>	<u>12,626,014</u>

VI. BOARD OF TRUSTEES OF JACKSONVILLE STATE UNIVERSITY:

A. Jacksonville State University			
1. Operations and Maintenance .	11,797,000	3,915,183	15,712,183
2. Gadsden Program .....	485,000	110,000	595,000
3. Nursing Scholarships .....	18,000		18,000
4. United Cerebral Palsy Development Center for East Central Alabama .....	100,000		100,000
5. Vocational Teacher Training .	100,000		100,000
6. Auxiliary Enterprises .....		<u>1,375,000</u>	<u>1,375,000</u>

SOURCE OF FUNDS:

(1) ASETF .....	12,500,000		
(2) Other .....		<u>5,400,183</u>	
Total Jacksonville State University .....	<u>12,500,000</u>	<u>5,400,183</u>	<u>17,900,183</u>

VII. BOARD OF TRUSTEES OF LIVINGSTON STATE UNIVERSITY:

A. Livingston State University			
1. Operation and Maintenance ..	3,882,000	750,129	4,632,129
2. Nursing Scholarships .....	18,000		18,000
3. Auxiliary Enterprises .....		<u>1,179,309</u>	<u>1,179,309</u>

SOURCE OF FUNDS:

(1) ASETF .....	3,900,000		
(2) Other .....		<u>1,929,438</u>	
Total Livingston State University	<u>3,900,000</u>	<u>1,929,438</u>	<u>5,829,438</u>

VIII. BOARD OF TRUSTEES OF UNIVERSITY OF MONTEVALLO:

A. University of Montevallo			
1. Operations and Maintenance .	6,115,443	3,058,288	9,173,731

2. School for Aphasic Children ..	223,399	16,000	239,399
3. Highway Safety Program ....	140,799		140,799
4. Communication Center .....	20,359	65,000	85,359
5. Auxiliary Enterprises .....		<u>2,459,750</u>	<u>2,459,750</u>

## SOURCE OF FUNDS:

(1) ASETF .....	6,500,000		
(2) Other Funds .....		<u>5,599,038</u>	
Total University of Montevallo ..	<u>6,500,000</u>	<u>5,599,038</u>	<u>12,099,038</u>

IX. BOARD OF TRUSTEES OF  
UNIVERSITY OF NORTH ALA-  
BAMA:

## A. University of North Alabama

1. Operations and Maintenance ..	7,932,000	2,904,210	10,836,210
2. Nursing School Scholarships ..	18,000		18,000
3. Auxiliary Enterprises .....		<u>2,939,575</u>	<u>2,939,575</u>

## SOURCE OF FUNDS:

(1) ASETF .....	7,950,000		
(2) Other .....		<u>5,843,785</u>	
Total University of North Alabama .....	<u>7,950,000</u>	<u>5,843,785</u>	<u>13,793,785</u>

X. BOARD OF TRUSTEES OF  
SOUTH ALABAMA

## A. University of South Alabama

1. Operations and Maintenance ..	11,824,547	8,233,978	20,058,525
2. Medical Research and Public Service .....	362,128		362,128

(Includes Statewide Medical Edu-  
cation, Ambulatory Care,  
Human and Clinical Nutrition  
Program and Reproductive  
Health Sciences Center.)

3. Family Practice Residency Pro- gram .....	577,000		577,000
4. College of Medicine .....	9,000,000	7,046,456	16,046,456
5. Medical Center Hospital .....	1,677,427	28,544,510	30,221,937
6. Newborn Growth and Develop- ment Program .....	80,000		80,000
7. Division of Allied Health .....	700,000	101,946	801,946
8. School of Nursing .....	600,000	199,166	799,166
9. Nursing Scholarships .....	18,000	5,550	23,550
10. Research, Public Service and Extension .....	91,398	33,583	124,981

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11. Paramedic Training Program	137,500	58,075	195,575
12. Basic Medical Sciences .....	250,000		250,000
13. Birth Defect Genetic Center .	220,000		220,000
14. Auxiliary Enterprises .....		<u>3,770,970</u>	<u>3,770,970</u>

SOURCE OF FUNDS:

(1) ASETF .....	25,538,000		
(2) Other .....		<u>47,994,234</u>	
Total University of South Alabama	<u>25,538,000</u>	<u>47,994,234</u>	<u>73,532,234</u>

XI. BOARD OF TRUSTEES OF  
TROY STATE UNIVERSITY:

1. Operations and Maintenance at Troy .....	7,248,000	4,280,000	11,528,000
2. Operations and Maintenance at Ft. Rucker/Dothan .....	975,000	1,152,462	2,127,462
3. Operations and Maintenance in Montgomery .....	250,000	1,478,680	1,728,680
4. Nursing Scholarships .....	36,000		36,000
5. Operations and Maintenance at Bay Minette .....	56,000	495,000	551,000
6. School of Nursing— Montgomery .....	250,000	18,000	268,000
7. Branch Campus at Phenix City	85,000	390,000	475,000
8. Auxiliary Enterprises .....		<u>3,587,707</u>	<u>3,587,707</u>

SOURCE OF FUNDS:

(1) ASETF .....	8,900,000		
(2) Other .....		<u>11,401,849</u>	
Total Troy State University .....	<u>8,900,000</u>	<u>11,401,849</u>	<u>20,301,849</u>

XII. BOARD OF TRUSTEES FOR  
ALABAMA INSTITUTE FOR  
DEAF AND BLIND:

A. Alabama Institute for Deaf and  
Blind

1. Operations and Maintenance .	5,125,760	2,314,000	7,439,760
B. Department of Adult Blind and Deaf			
1. Special Technical Facility ....	1,323,769	2,388,916	3,712,685
2. Industries for the Blind .....	486,471	7,586,230	8,072,701

SOURCE OF FUNDS:

(1) ASETF .....	6,936,000		
(2) Other .....		<u>12,289,146</u>	
Total Alabama Institute for Deaf & Blind .....	<u>6,936,000</u>	<u>12,289,146</u>	<u>19,225,146</u>

## SECTION 6. Governor's Education Program.

To State Department of Education—Board of Education with Governor's approval. For Basic Learning Skills Teams, Standard Schools Program, and Liability Insurance .....	2,000,000
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## SECTION 7.

## A. Other Educational Appropriations:

(1) Trenholm State Technical College .....	125,000
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For Emergency Medical Services Program.

(2) University of South Alabama	200,000
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For unreimbursable losses caused by Hurricane Frederic.

In addition to the above appropriation, there is hereby appropriated \$200,000 to the University of South Alabama for Hurricane Damage to be conditional upon the condition of the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(3) Mobile County Board of Education .....	200,000
--------------------------------------------	---------

For unreimbursable losses caused by Hurricane Frederic.

In addition to the above appropriation, there is hereby appropriated \$200,000 to the Mobile County Board of Education for Hurricane Damage to be conditional upon the condition of the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(4) Baldwin County Board of Education .....	100,000
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For unreimbursable losses caused by Hurricane Frederic.

In addition to the above appropriation, there is hereby appropriated \$100,000 to the Baldwin

County Board of Education for Hurricane Damage to be conditional upon the condition of the Alabama Special Educational Trust Fund and upon the approval of the Governor.

(5) Spain Rehabilitation Center . 250,000

For capital outlay.

(6) Diabetic Institute at University of Alabama in Birmingham 100,000

In addition to the above appropriation, there is hereby appropriated \$500,000 to the Diabetic Institute at the University of Alabama in Birmingham to be conditional upon the condition of the Special Educational Trust Fund and upon the approval of the Governor.

#### SECTION 8.

##### A. Special Mental Health Fund:

(1) There is hereby appropriated from the Special Mental Health Trust Fund to the Board of Trustees of University of Alabama \$3,222,284 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

(2) There is hereby appropriated from the Special Mental Health Trust Fund \$544,707 to be expended under the programmatic area as shown under subsection 5-I-B on page 31.

##### B. Public School Fund:

For the Public School Fund all funds derived from the levy of the special annual tax of thirty cents on each one hundred dollars (\$100) of taxable property in this State for the support and maintenance of the public schools and from other funds mentioned and enumerated in Section 257, 258, and 259 of the Constitution in 1901 and the amount appropriated from all other funds as is now provided by law, provided, however, not more than four percent of all funds appropriated in this Section shall be used or expended otherwise than for the payment of teachers employed in such schools.

SECTION 9. The State Superintendent of Education shall make requisition on the State Comptroller in favor of the proper beneficiary in accordance with the law and rules and regulations governing the

expenditure or disbursement of any and all funds appropriated to the State Department of Education and/or the State Board of Education in this Act, whereupon the Comptroller, shall issue his warrant therefor. All other appropriations in this Act shall be paid by request to the Comptroller made in the manner now provided by law.

SECTION 10. That nothing in this Act shall be construed to affect or repeal any law authorizing or permitting any college, school or other education or eleemosynary institution of the State to receive, collect or disburse any fees, tuitions, charges, sales, endowments, trusts or income therefrom, which are now or may hereafter be authorized to receive, collect or disburse. The receiving college, school or institution shall further maintain separate accounts for such receipts or shall maintain a system of accounting which will show a cash flow of such receipts received under the provision of this appropriation.

SECTION 11. The provisions of this Act are severable. If any portion, paragraph, sentence, clause, provision, or portion of this Act, or all or any portion of any appropriation or appropriations herein made, be held unconstitutional or invalid, which holding shall not affect any other section, paragraph, sentence, clause, provision or portion of this Act, or any other appropriation or portion thereof made not in and of itself unconstitutional or invalid.

SECTION 12. This act shall become effective on October 1, 1980.

### CONFERENCE REPORT

On motion of Mr. Pearson, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. B. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Yeas 26; Nays 8.

*Yeas:*

Messrs.:	Figures	Lemaster	Proctor	
Bailey	Glass	Little	St. John	
Britnell	Gulledge	Martin	Smith	
Callahan	Hall	McDonald	Teague	
Cook	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Parsons	White	
Denton	Keener	Pearson		—26

*Nays:*

Messrs.:	Harrison	Miller	Taylor	
Barron	Kirkland	Robertson	Weeks	
Goodwin				—8

RESOLUTION

Messrs. Parsons, Barron, Robertson and Hall offered the following Senate Resolution, to-wit:

S. R. 238. EXPRESSING WISHES OF THE SENATE THAT THE GOVERNOR NOT CALL A SPECIAL SESSION AT THIS TIME.

WHEREAS, the funding for Medicaid and nursing homes, the improvement of highways, the support and improvement of prisons, and improvements in mental health services have been problems which the people of Alabama have demanded a solution to, and

WHEREAS, the Legislature of Alabama has addressed these critical problem areas by increasing funding for highways, Medicaid, mental health, prisons, and other state functions, and

WHEREAS, the people of Alabama now wish the Legislature to adjourn sine die; now, therefore,

BE IT RESOLVED by the Senate of Alabama: That the Governor be and hereby is respectfully requested to refrain from calling a special session of the Legislature except in a case of dire emergency prior to the scheduled date for the next regular session to commence;

BE IT FURTHER RESOLVED: That the Governor be urged to take note of the desire of the people of Alabama that there be no special sessions of the Legislature and that any recommendations or ideas which the Governor may have for reform be made to and through the appropriate interim committees, of which there is an abundance, and through such committees bring to the Legislature his plans for reform to be dealt with during the next regularly scheduled session of the Legislature rather than his submitting them to a special session of the Legislature which, in the opinion of the Senate, is not desired by the people of Alabama.

Which was adopted.

BILLS ON THIRD READING RESUMED

The Bill:

H. 811. To facilitate vehicular traffic in the state by providing for the construction, operation and maintenance of toll road, bridge and tunnel projects, creating the Alabama Toll Road, Bridge and Tunnel Authority and defining its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such projects; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such projects shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the Authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Pearson	
Britnell	Hall	Little	Proctor	
deGraffenried	Higginbotham	Martin	Smith	
Denton	Holmes	McDonald	Teague	
Glass	Kirkland	Miller		—18

*Nays:* —0

The Bill:

H. 1033. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, as required by OMB Circulars A-95 and 102 engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of the Office of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or **employed by the Alabama Development Office** in the pursuit of the functions **herein delineated**, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which **receive aid under federal acts** in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

was taken up.

The Standing Committee on Governmental Affairs reported the following amendment to the Bill, H. B. 1033, to-wit:

## COMMITTEE AMENDMENT TO H. B. 1033

On page 3, on line 20 after the word "therefor;" insert:

to provide for the merit system status of certain employees; to exclude certain agencies from the provisions of this act; and



On page 12, in Section 9 on line 27 after the period insert:

All employees of the State Community Services Administration shall be placed in a classified position within the State Merit System and under State Planning and Federal Programs.

On page 12, on line 28 insert the following new Section 10 and renumber the present Section 10 and all following sections accordingly:

Section 10. The provisions of this act shall not apply to the Alabama Law Enforcement Planning Agency and the Alabama Criminal Justice Information Center.

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Taylor
Britnell	Gulledge	McDonald	Teague
Cook	Hall	Mitchem	Vacca
deGraffenried	Higginbotham	Pearson	White
Denton	Kirkland	Smith	

—18

*Nays:* —0

Mr. Pearson offered the following amendment to the Bill, H. B. 1033, as amended. to-wit:

**AMENDMENT TO H. B. 1033, AS AMENDED**

Amend House Bill 1033 on page 8, Section 7, lines 23 through 32 by striking the following language:

"The director of the Office of State Planning and Federal Programs shall be specifically exempt from the provisions of Sections 41-4-220 through 41-4-224 of The Code of Alabama, 1975. He shall have the authority to establish such data processing and telecommunications systems, as he may deem necessary, to implement the provisions of this act, subject to the approval of the Governor. The Board of Communications and Electronics Chiefs and the Division of Telecommunications shall function and continue as heretofore established by Executive Order No. 3, dated February 5, 1974."

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	McDonald	Smith
Bailey	Hall	Miller	Taylor
Britnell	Higginbotham	Mitchem	Teague
Cook	Kirkland	Parsons	Vacca
Denton	Little	Pearson	White
Goodwin	Martin		

—21

*Nays:* —0

And said Bill, H. B. 1033, as thus amended, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Hall	McDonald	Proctor	
Cook	Keener	Miller	Smith	
Denton	Kirkland	Mitchem	Taylor	
Glass	Little	Parsons	Teague	
Goodwin	Martin	Pearson	White	
Gulledge				—20

*Nays:* —0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 332. To amend Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license and providing further for the accreditation and licensing of hospitals.

Also:

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Also:

H. 473. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which section relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

JOHN W. PEMBERTON,  
Clerk.

BILLS ON THIRD READING RESUMED

The Bill:

H. 432. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

was read a third time at length and passed.

Yeas 18; Nays 2.

Yeas:

Messrs.:	Goodwin	Martin	Smith
Britnell	Higginbotham	McDonald	Teague
Cook	Holmes	Miller	Vacca
deGraffenried	Lemaster	Mitchem	White
Denton	Little	Parsons	

—18

Nays: Messrs.: Robertson and Taylor.

—2

The Bill:

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

was taken up.

Mr. Teague offered the following amendment to the Bill, H. B. 1034, to-wit:

AMENDMENT TO H. B. 1034

Amend House Bill No. 1034 Page 2 Line 27, by striking out the word "seven" after the word "of" and inserting in lieu thereof the word "nine".

And on page 3, line 15 strike out the word "seven" after the word "of" and insert the word "nine".

And on page 3, line 25, strike out the word "three (3)" after the word "follows:" and insert the word "four (4)" and on page 3 line 25 strike out the word "four (4)" after the word "and" and insert the word "five (5)".

Which was adopted.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Martin	Smith	
Britnell	Hall	Miller	Taylor	
Cook	Holmes	Mitchem	Teague	
deGraffenried	Kirkland	Parsons	Weeks	
Denton	Lemaster	Robertson	White	
Goodwin	Little			—21

*Nays:* —0

And said Bill, H. B. 1034, as thus amended, was read a third time at length and passed.

Yeas 24; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Lemaster	Smith	
Britnell	Hall	Little	Taylor	
Cook	Higginbotham	Martin	Teague	
deGraffenried	Holmes	Miller	Vacca	
Denton	Keener	Mitchem	Weeks	
Glass	Kirkland	Pearson	White	
Goodwin				—24

*Nays:* —0

The Bill:

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, to exempt certain counties from the provisions of this law and to repeal in part Section 40-12-10, Code of Alabama 1975.

was taken up.

The Standing Committee on Governmental Affairs reported the following substitute for the Bill, H. B. 384, to-wit:

## COMMITTEE SUBSTITUTE FOR H. B. 384

A BILL  
TO BE ENTITLED  
AN ACT

To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of the use of the present license tag, alter the distribution schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, and to repeal in part Section 40-12-10, Code of Alabama 1975.

Be It Enacted by the Legislature of Alabama:

Section 1. Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, are hereby amended to read as follows:

§ 32-6-60.

"Effective from and after October 1, 1980, the licensing, registration and ad valorem taxation of motor vehicles in compliance with the laws of the State of Alabama shall be on a staggered basis. Provided, however, the actual distribution of the license plates described in Sections 32-6-63 and 32-6-64 shall begin from and after January 1, 1982. For the fiscal year 1981 the license plates used for the previous five years as set out in Section 32-6-50, Code of Alabama 1975, and Act No. 524, Regular Session 1975, shall continue to be used in the same manner as used in the past five years. An appropriate 1981 tab, disc or other device suitable for attaching to said motor vehicle tag or plate shall be issued upon the payment of the annual license tax prescribed by law for the 1981 fiscal year. While the actual issuance of license plates described in Sections 32-6-63 and 32-6-64, Code of Alabama 1975, on a staggered basis shall not begin until January 1, 1982, the licensing, registration and ad valorem taxation of motor vehicles shall be on a staggered basis effective from and after October 1, 1980.

"To implement this subdivision, the licensing, registration and taxation may be for periods less than or greater than 12 months during the conversion year only. However, such proration of fees during the implementation of a staggered registration system shall result in the collection of a total amount of moneys for the taxable year no more nor less than the current annual amounts received.

"During the implementation period and thereafter the licensing, registration and taxation for vehicles weighing 12,000 12,001 pounds and over shall be prorated on a monthly basis."

"§ 32-6-61.

"The staggered system for the licensing, registration and taxation of motor vehicles shall be implemented thusly: The first letter of an individual's last name shall determine the month in which a vehicle owner shall register his vehicle(s), as indicated below:

January, A, D; February, B; March, C, E; April, F, C, N; May, H, O; June, M, I; July, P, L; August, J, K, R; September, Q, S, T; October, U, V, W, X, Y, Z; November, Trucks, mobile homes, commercial fleets, etc.; December, Trucks, mobile homes, commercial fleets, etc.

January, A, D; February, B; March, C, E; April, F, G, N; May, H, O; June, M, I; July, P, L; August, J, K, R; September, Q, S, T; October, U, V, W, X, Y, Z, trucks, mobile homes, commercial and fleet vehicles; November, Trucks, mobile homes, commercial and fleet vehicles.

"After the conversion period all owners of private passenger vehicles and pickup trucks of 12,000 pounds and under shall continue to register their vehicles over a 12 month period during the month assigned to the first initial of their last name. All fleets and commercial vehicles shall be registered during the months of October and November. All license plates issued on a staggered registration basis shall expire on the last day of the month which precedes the month assigned for the purchase or renewal of license registration.

"All license plates issued to motor vehicles for which licensing, registration and taxation is due in October and November shall expire on September 30.

"During the implementation period and thereafter all licensing, registration and ad valorem taxation of motor vehicles shall be prorated on a monthly basis.

"All persons who acquire a motor vehicle which is located in this state and required to be registered in this state, with exception of licensed motor vehicle dealers who purchase a vehicle for resale, shall within ten calendar days from date of purchase re-register the vehicle with the probate judge or other county official authorized and required by law to issue license plates, of the county in which the owner resides, if the owner is an individual, or of the county in which said motor vehicle is used or operated if the owner is a firm, corporation or association. The owner shall be issued a new registration receipt and purchase a license plate or validation decal(s) to the appropriate month assigned for renewal; however, no additional fee or ad valorem tax need be paid other than registration issuance fee when renewal month and year remain the same.

"§ 32-6-65.

"(a) There shall be one uniform registration renewal form to be used statewide. Such form shall be designed so as to provide for both the transfer of ownership and the registration of the vehicle. The department of revenue, or any other state agency authorized to do so, shall print and issue vehicle registration renewal notices in such a way that they can be processed or read by 'optical character reader' machines. All receipts shall be sent to the county agencies charged with handling vehicle registration. All receipts shall be machine prepared. The state and the county shall capture the color of the motor vehicle in their permanent records. This paragraph shall not give the department of revenue authority to centralize vehicle registration. Centralized registration is specifically prohibited and it is the legislative intent that automotive vehicle registration shall remain at the county level.

"(b) A penalty of \$5.00 \$50.00 shall be assessed by the official charged with issuing motor vehicle licenses for the late registration of a motor vehicle under the system of registration imposed by this subdivision. Licenses shall be renewed at any time during the month of expiration; provided, however, persons renewing licenses within ten calendar days after the month of expiration shall pay only a \$2.00 penalty fee. It shall be the duty of all sheriffs, police officers, state troopers, license inspectors, deputy license inspectors, field agents of the department of revenue, and other law enforcement officers to arrest any person operating a motor vehicle without the current license plate displaying the proper tab, disc or decal. Persons apprehended, more than ten days after the month of expiration of the license, upon conviction by a court of competent jurisdiction, shall be fined not less than \$75.00.

"All penalties assessed by this Act shall be distributed in the same manner as motor vehicle licenses and registration fees are distributed as provided in Sections 40-12-269 and 40-12-270, Code of Alabama 1975. Portions of Section 40-12-10, Code of Alabama 1975, as they may conflict with this Act, are hereby repealed and superseded. This fee shall not be construed as coming under the requirements of Section 40-12-269."

Section 2. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

The Standing Committee on Governmental Affairs then reported the following amendment to the Substitute for the Bill, H. B. 384, to-wit:

COMMITTEE AMENDMENT TO  
SUBSTITUTE FOR H. B. 384

Amend Senate Substitute to House Bill 384, Section 1, Page 5, Line 19, after the figure \$5.00 by deleting \$50.00 and inserting in lieu thereof \$15.00.

Further amend the bill, Section 1, Page 5, Line 26, after the word "fee" and the period by adding the following:

Persons renewing licenses twenty (20) days after the \$2.00 penalty fee time limit shall pay \$15.00. Persons renewing licenses after the \$15.00 penalty fee shall pay \$25.00.

And further amend the bill, on Page 5, Line 34, by striking "\$75.00" and inserting in lieu thereof "\$25.00"

Which was adopted.

And said substitute, as thus amended, for the Bill, H. B. 384, was then adopted by the Senate.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Pearson	
Britnell	Gulledge	Lemaster	Smith	
Callahan	Hall	Little	Vacca	
Cook	Harrison	Martin	Weeks	
deGraffenried	Higginbotham	Miller	White	
Denton	Keener	Parsons		—22

*Nays:* —0

And said Bill, H. B. 384, as thus amended by the substitute, was read a third time at length and passed.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Smith	
Britnell	Hall	Martin	Teague	
Callahan	Higginbotham	Miller	Vacca	
Cook	Keener	Mitchem	Weeks	
Denton	Kirkland	Parsons	White	
Goodwin	Lemaster	Pearson		—22

*Nays:* —0

REPORT OF CONFERENCE  
COMMITTEE ON S. B. 453

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning Substitute for Senate Bill 453 have met, considered the matter, and agreed to the following report:

Conference Committee Substitute to Senate Bill 453 is attached

PARK BARTON,

STEVE COOLEY,

PHIL KELLEY,

Conferees of the House.

RYAN deGRAFFENRIED, JR.,

LARRY KEENER,

HINTON MITCHEM,

Conferees of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 453

A BILL  
TO BE ENTITLED  
AN ACT

To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges, and to provide for the appropriation for such additional district judges.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Madison, Etowah, Morgan, Talladega, Tuscaloosa, Cullman, Marshall and Walker Counties shall each have two resident district judges.

"(2) Montgomery County shall have three resident district judges.

"(3) Mobile County shall have four resident district judges.

"(4) Jefferson County shall have 12 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division.

"(5) Calhoun and Cleburne Counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both counties.

"(6) Coosa and Clay Counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties.

Section 2. There is hereby created the office of district judgeship No. 2 of Tuscaloosa County, which shall be in addition to the existing office of district judge. The existing office of district judge shall be designated as



district judge No. 1. The first judge of district judge No. 2 of Tuscaloosa County shall be elected at the general election in 1980 in the manner provided by law and such judge shall hold office for a six-year term, and until a successor has been elected and qualified. Thereafter, such additional judge shall be elected as provided by law.

Section 3. Effective October 1, 1980, there is hereby created the office of district judge No. 2 of Marshall County, which shall be in addition to the existing office of district judge. The existing district judge shall be designated as district judge No. 1. The first judge of district judge No. 2 of Marshall County shall be appointed in the manner as provided by law for filling a vacancy in any judicial office, and such judge shall hold office until a successor has been elected and qualified. Thereafter, such additional judge shall be elected as provided by law.

Section 4. Effective October 1, 1980, there is hereby created the office of district judge No. 2 of Cullman County, which shall be in addition to the existing office of district judge. The existing district judge shall be designated as district judge No. 1. The first judge of district judge No. 2 of Cullman County shall be appointed in the manner as provided by law for filling a vacancy in any judicial office, and such judge shall hold office until a successor has been elected and qualified. Thereafter, such additional judge shall be elected as provided by law.

Section 5. The judges of the respect district judgeships No. 2 of Tuscaloosa, Cullman and Marshall Counties, shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district judges may be subject to exercise and perform. The additional district judges provided for in this act shall receive the same salary and local supplements payable in the same manner as the existing district judge of their respective counties.

Section 6. There is hereby appropriated the sum of \$145,000 to the Unified Judicial System for the fiscal year 1980-81 from the general fund of Alabama for the support and maintenance of the offices of District Judgeships No. 2 for Tuscaloosa County, Cullman County, and Marshall County.

Section 7. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 8. All laws or parts of laws which conflict with this act are hereby repealed.

Section 9. This act shall become effective upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### CONFERENCE REPORT

On motion of Mr. deGraffenried, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. B. 453. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges, and to provide for the appropriation for such additional district judges.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith
Bailey	Gulledge	Miller	Taylor
Barron	Hall	Mitchem	Vacca
Britnell	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Pearson	White
Denton	Kirkland	Robertson	

—22

*Nays:*

—0

## RESOLUTION

Mr. Proctor offered the following Senate Joint Resolution, to-wit:

S. J. R. 239. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS, AND REPEALING ACT NO. 340, H. J. R. 88, 3rd SPECIAL SESSION 1971 (ACTS 1971, p. 4652).

WHEREAS, the United States Government will all too soon complete the 1980 Census; and

WHEREAS, as a result of this 1980 Census, there is no longer any necessity for Act No. 340, H. J. R. 88, 3rd Special Session 1971 (Acts 1971, p. 4652), which 10 years ago created a joint interim committee for the purpose of this resolution. Therefore, said Act No. 340 is hereby specifically repealed; and

WHEREAS, as a result of this 1980 Census, there may exist a reapportionment problem in Alabama; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That there is hereby created a joint legislative committee on reapportionment to consist of sixteen members as follows: one member of the House of Representatives from each Congressional District and the chairman or vice-chairman of the House Judiciary Committee, to be appointed by the Speaker of the House and one member of the Senate from each Congressional District and the chairman or vice-chairman of the Senate Judiciary Committee, to be appointed by the Lieutenant Governor. This committee shall make a continuous study of the reapportionment problem in Alabama seeking solutions thereto. It shall make such reports of its investigations, findings and recommendations to the legislature at any time during any regular or special session of the legislature as it may deem to be necessary or desirable. Each member of the committee hereby created shall be entitled to his usual legislative pay, travel expenses and per diem for each day he spends in attending such committee meetings. This committee will have no authority after the last regular or special legislative session in calendar year 1981.

BE IT FURTHER RESOLVED, That the committee shall have authority to employ all necessary staff to perform the functions of this committee and employees of the committee shall be paid out of any funds appropriated for the use of the legislature.

On motion of Mr. Proctor, the Rules were suspended and the Resolution was adopted by the Senate.

BILLS ON THIRD READING RESUMED

The Bill:

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal § 5-16-38, Code of Alabama 1975.

was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Keener	Mitchem
Bailey	Gulledge	Kirkland	Parsons
Barron	Hall	Little	Taylor
Britnell	Higginbotham	Martin	Weeks
Callahan	Holmes	Miller	White

—19

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel or other state agencies; to appropriate money to implement this act and to repeal conflicting law.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Mitchem, the Senate non-concurred in the following House amendment to the Bill, S. B. 507, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 507

Amend Senate Bill 507, in Section 6, Page 2, Lines 16 through 21, after the words "October 1, 1980" and the period by striking the sentence which follows, in its entirety, and by inserting the following:

And salary increase to a City or County Officer that may be affected by a State Trooper salary increase shall only become effective with the concurrence of the appropriate City or County governing body.

HOUSE AMENDMENT TO S. B. 507

Amend Senate Bill 507 Section 3, Page 2, Line 9 by changing the period to a semi-colon and adding the following:

provided however, that anyone receiving a salary increase under the provisions of this act shall not receive a salary increase under House Bill 571.

## HOUSE AMENDMENT TO S. B. 507

Amend Senate Bill 507 by adding a new section to be numbered Section 7 as follows:

"The Sheriff and Probate Judge of any county where the salary and or compensation of any officer or employee of said county is affected by the provisions of this act shall be entitled to an additional \$3600 in salary or expense allowance per year provided that these funds are paid strictly from local funds and upon its approval of the local governing body by resolution in any said county."

## HOUSE AMENDMENT TO S. B. 507

Amend Senate Bill 507 in Section 6, page 2, lines 16-21, after the words "October 1, 1980" and the period by striking the sentence which follows in its entirety.

and requested a Committee on Conference.

Yeas 22; Nays 1.

*Yeas:*

Messrs.:	Denton	Keener	Mitchem	
Bailey	Glass	Kirkland	Smith	
Barron	Goodwin	Lemaster	Taylor	
Britnell	Hall	Little	Weeks	
Cook	Harrison	Martin	White	
deGraffenried	Holmes	Miller		—22

*Nay:* Mr. Higginbotham. —1

And the President and Presiding Officer of the Senate appointed as Committee on part of the Senate Messrs. Mitchem, deGraffenried and White.

## BILLS ON THIRD READING RESUMED

On motion of Mr. Denton, the Rules were suspended and the Bill:

H. 199. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1981, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

was taken up.

And said Bill, H. B. 199, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Smith	
Bailey	Hall	Lemaster	Taylor	
Britnell	Harrison	Little	Teague	
Cook	Higginbotham	Martin	Weeks	
Denton	Holmes	Parsons		—18

*Nays:* —0

REGULAR SESSION  
30th Day

2389

On motion of Mr. Teague, the Rules were suspended and the Bill:

H. 518. To amend Section 1 of Act No. 834, Acts of Alabama 1978 Regular Session, amending Section 39-2-12, Code of Alabama 1975, in order to add thereto definitions of words employed therein, to change the amount of retainage withheld, and to provide further for the methods and manner of investment and the administration of the investment of retainage held in escrow.

was taken up.

And said Bill, H. B. 518, was read a third time at length and passed.

Yeas 22; Nays 0.

Yeas:

Messrs.:	Goodwin	Keener	Taylor	
Bailey	Gulledge	Kirkland	Teague	
Barron	Hall	Lemaster	Vacca	
Britnell	Harrison	Martin	Weeks	
Cook	Higginbotham	Parsons	White	
Denton	Holmes	Smith		—22

Nays: —0

MESSAGE FROM THE HOUSE

Mr. President:

The House has received the accompanying message from His Excellency, the Governor, proposing an amendment to the Bill:

H. 69. To further amend Section 11-41-1, Code of Alabama 1975, as amended, relating to the incorporation of a municipality so as to delete restrictions upon the incorporation of a municipality lying within or partly within the boundaries of a county having a population of 600,000 or more.

Said Governor's Message being words and figures as follows, to-wit:

MESSAGE FROM THE GOVERNOR

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I transmit herewith a Message from the Governor concerning House Bill Number 69 without his signature and approval and with a suggested Executive Amendment.

Respectfully submitted,  
MICHAEL D. WATERS,  
Legal Advisor.

Done this 6th day of May, 1980.

To the House of Representatives  
State Capitol  
Montgomery, Alabama 36130

Ladies and Gentlemen:

I am returning to you, the Body in which it originated, House Bill Number 69 without my signature and approval and with the following suggested Executive Amendment.

On page 3, Section 2, delete lines 32 and 33 in their entirety and substitute in lieu thereof the following:

"on October 1, 1980."

The adoption of the above and foregoing suggested Executive Amendment will remove my objection to this Bill.

Respectfully,  
FOB JAMES

And the House has concurred in and adopted the amendment proposed by His Excellency, the Governor, to the Bill, by a vote of a majority of those voting, said vote being: Yeas 14, Nays 6.

And said Bill, as amended by the Executive Amendment, was again read at length and passed by a vote of a majority of those voting, said vote being: Yeas 14, Nays 7.

And said Bill, H. 69, together with the Executive Amendment, is herewith sent to the Senate for its consideration.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE AND GOVERNOR'S MESSAGE

On motion of Mr. White, consideration of the amendment proposed by His Excellency, the Governor, to the Bill, H. B. 69, the title of which and said Executive Amendment are set out in the foregoing Message from the House, was postponed temporarily.

#### BILLS ON THIRD READING RESUMED

On motion of Mr. Weeks, the Rules were suspended and the Bill:

H. 1004. To amend Section 34-8-22 of the Code of Alabama 1975 relating to the state licensing board for general contractors so as to further provide for the per diem of the members of the board.

was taken up.

And said Bill, H. B. 1004, was read a third time at length and passed.

Yeas 19; Nays 0.

Yeas:

Messrs.:	Denton	Holmes	St. John
Bailey	Goodwin	Martin	Smith
Barron	Gulledge	Miller	Vacca
Britnell	Hall	Mitchem	Weeks
Cook	Higginbotham	Parsons	White

—19

Nays:

—0

REGULAR SESSION  
30th Day

2391

On motion of Mr. Goodwin, the Rules were suspended and the Bill:

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

was taken up.

The Standing Committee on Finance and Taxation reported the following amendment to the Bill, H. B. 13, to-wit:

COMMITTEE AMENDMENT TO H. B. 13

Amend House Bill 13, Page 11, Line 5, by deleting Section 2 in its entirety and inserting therein the following language:

"Section 2. Any violation of any provision of this Act shall be punishable in a court of competent jurisdiction by a fine of not less than \$500.00 and no more than \$2,000.00 and imprisonment of not less than 6 months nor more than 1 year in the county jail.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor or upon its otherwise becoming a law."

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Kirkland	Smith	
Bailey	Hall	Little	Taylor	
Barron	Higginbotham	Miller	Teague	
Britnell	Holmes	Robertson	Weeks	
Goodwin	Keener	St. John		—18

*Nays:* —0

And said Bill, H. B. 13, as thus amended, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Smith	
Bailey	Gulledge	Martin	Taylor	
Barron	Hall	Miller	Teague	
Britnell	Higginbotham	Mitchem	Vacca	
deGraffenried	Holmes	Robertson	White	
Denton	Kirkland			—21

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 118. To amend the title and section 1 of Act No. 568, H. 1333, 1977 Regular Session (Acts 1977, p. 757), which relates to arrest powers of the investigator of the district attorney in the thirtieth judicial circuit, so as to provide further for such powers.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 744. Relating to Winston County; to provide that the minimum salary of the chief clerks for the probate judge, sheriff, tax assessor and tax collector be set at \$750.00 per month to be paid in the same manner that such clerks are now being paid; to allow the county commission to authorize cost of living raises for such clerks; to give this act retroactive effect to October 1, 1979.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 931. To authorize and make provision for the incorporation in any Class 1 municipality as so designated by Act No. 79-263 enacted at the 1979 Regular Session of the Legislature of Alabama (being a city with a population of 300,000 or more inhabitants as certified by the 1970 federal decennial census) of Commercial Development Authorities for the purpose of promoting trade and commerce by inducing commercial enterprises to locate new facilities in this state and expand existing facilities in this state; to provide for the election and compensation of directors of any such Authorities; to provide for the powers, authorities and duties of any such Authority, its board of directors, and its officers; to authorize any such Authority to acquire by purchase, construction, exchange, gift, lease or otherwise and to refinance



existing indebtedness on, improve, maintain, equip and furnish land and buildings or other improvements thereon and all real and personal properties necessary in connection therewith, whether or not now existing, suitable for use by any commercial enterprise engaged in the manufacturing, processing, assembling, storing, warehousing, distributing or selling of any products of agriculture, mining or industry, or by various enterprises for the purpose of research, or by any commercial enterprise engaged in selling, servicing, providing or handling any policies of insurance or any financial services, or suitable for use as a ship canal, port or port facility, off-street parking facility, dock or dock facility, harbor facility, railroad, monorail or tramway, railway terminal or railway beltline and switch, office building, planetarium or museum, pollution control facility, hotel, including parking facilities, facilities for meetings, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation or activity, or as a shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation or activity, provided that such land, buildings or other improvements thereon and all real and personal properties necessary in connection therewith shall not include facilities (other than office buildings or other buildings suitable for use as a corporate headquarters) designed for the sale or distribution to the public of electricity, gas, water or telephone or other services commonly classified as public utilities, and provided, further, that such property shall be located wholly within the corporate limits of such municipality and (i) wholly within areas for which either a redevelopment plan has been prepared and approved pursuant to the provisions of Section 24-2-4 of the Code of Alabama of 1975 or an urban renewal plan has been prepared and approved pursuant to the provisions of Section 24-3-3 of the Code of Alabama of 1975 or (ii) part of such property shall be property with respect to which an urban development action grant has been made under Section 119 of the Housing and Community Development Act of 1974; to authorize any such Authority to lease such properties to others; to authorize any such Authority to sell, exchange, donate or convey and to grant options to any lessee to acquire such properties; to provide for the issuance by any such Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from the leasing or sale of such properties; to provide that in certain circumstances such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding any such Authority for the proper application of its revenues and receipts and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues and receipts from which such securities are payable; to provide for the employment by any such Authority of such officers, employees and agents as its business may require; to provide for the taking out by any such Authority of various types of insurance; to provide for the investment of funds of any such Authority; to provide for the use of the proceeds of any such securities issued by any such Authority; to provide for the refunding, by the issuance of such securities of any such Authority, of securities theretofore issued by it; to provide that such securities issued and contracts entered into by any such Authority pursuant to this Act shall not constitute or create a debt of the state or of any county, municipality or political subdivision of the state; to make the securities issued by any such Authority eligible investments for various governmental bodies and fiduciaries; to provide that any such Authority may, in its discretion, publish a notice of the adoption of a resolution authorizing the issuance of bonds by such Authority, and to provide that any action or proceeding questioning the validity of such

bonds, or any pledge, mortgage and deed of trust or trust indenture securing the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of said notice; to exempt the income of any such Authority, and all conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the state; to exempt every such Authority from all license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which an Authority may engage, and to exempt such Authority from payment of certain charges to Judges of Probate; to exempt every such Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt every such Authority from all laws of the state requiring competitive bids for contracts to be entered into by municipalities or public corporations; to exempt every such Authority from the supervision and control of state agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of any such Authority; to provide for the dissolution of any such Authority and the disposition of its property; to limit to one the number of such Authorities which may exist in any municipality at any one time; and to provide for the continued existence of any such Authority notwithstanding any reclassification of municipalities by the Legislature.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 1065. Relating to Baldwin County; to provide for the salary of the Judge of Probate.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 697. To amend Sections 40-13-2, 40-13-5 and 40-13-6 of the Code of Alabama 1975 relating to the levy and rate and deposit, disbursement and refund of the proceeds from certain coal severance taxes so as to provide that such proceeds that were formerly refunded shall be credited to the Treasury of the State General Fund.

Also:

H. 473. To provide that the state salary payable to clerks and registers of the circuit court shall be increased by \$1,800.00 beginning on October 1, 1980; to amend Section 12-17-92, Code of Alabama 1975, which sections relates to supplemental salaries of circuit court clerks, so as to eliminate the requirement that the counties maintain the salaries of circuit clerks at the same relationship which their salaries of circuit clerks at the same relationship which their salaries bore to salaries of the circuit judges on January 16, 1977; to provide that circuit clerks and registers shall be entitled to receive all future cost-of-living increases granted to state employees, generally; and to appropriate such funds as may be necessary to pay such increase.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 81. To provide further for the organization, admission, consolidation, merger and dissolution of certain corporations, and to prescribe the powers, authority and duties of such corporations, and of the officers, directors and shareholders thereof; subject to the provisions of Section 188 of this Act, to repeal Sections 10-2-1 through 10-2-7, 10-2-20, 10-2-22 through 10-2-35, 10-2-50 through 10-2-58, 10-2-70, 10-2-71, 10-2-90 through 10-2-98, 10-2-110, 10-2-111, 10-2-112, 10-2-113, 10-2-114, 10-2-130 through 10-2-135, 10-2-150, 10-2-160, 10-2-161, 10-2-162, 10-2-164 through 10-2-167, 10-2-169, 10-2-180 through 10-2-189, 10-2-200 through 10-2-212, 10-2-250 through 10-2-253, 10-2-254, 10-2-256 and 12-11-34 through 12-11-39, of the Code of Alabama of 1975.

Also:

H. 164. To re-open the Teachers' and Employees' Retirement Systems of Alabama for non-membership service and certain military service; to provide that as a prerequisite to obtaining such credit, said members must be active and contributing members of the Employees' Retirement System of Alabama or the Teachers' Retirement System of Alabama; and to provide that this Act shall take effect October 1, 1980, and to provide for its termination.

Also:

H. 457. To amend Sections 12-16-73, 12-21-180 and 12-21-246, Code of Alabama 1975, relating to executing and service of process, to provide for executing and service of process, in certain instances, by mail.

Also:

H. 465. Relating to Madison County; to give the County Commission certain powers and authority in regard to performing road related services upon private property for a fee and selling road construction materials to churches, persons, firms or corporations; setting the conditions under which such work can be done and road construction materials sold; and establishing the procedure governing work on private property or sales of said materials to churches, individuals, firms or corporations.

Also:

H. 621. Relating to the Fifteenth Judicial Circuit; to allow the Presiding Judge or the Presiding Judge of the Criminal Division of the Fifteenth Judicial Circuit, upon motion of the District Attorney for such circuit, to empanel more than one Grand Jury to sit in session simultaneously.

Also:

H. 1120. Relating to Lauderdale County; to provide for the establishment of fees by the county commission based upon, but not bound by, recommendations of the county board of health for public health services; to provide for the continuation of the present fee schedule for the 1980 fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year; to provide that the first fee schedule shall also be the fee schedule for the fiscal year and to require the county governing body to readopt a fee schedule for each succeeding fiscal year.

Also:

H. J. R. 318. BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That when the two houses adjourn today, Monday, May 19, 1980, they shall adjourn sine die.

Also:

H. J. R. 333. COMMENDING HIGHWAY DIRECTOR REX RAINER.

Also:

H. J. R. 334. EXTENDING BEST WISHES TO MISS MARGARET LOUISE HANBY AND MR. MONTGOMERY FELD.

Also:

H. J. R. 346. RECREATING AN INTERIM COMMITTEE TO IMPLEMENT THE PURCHASE OF PROPERTY WITHIN THE CAPITOL COMPLEX.

Also:

H. J. R. 292. CREATING AN INTERIM COMMITTEE TO STUDY NUCLEAR POWER PLANTS AND TO MAKE RECOMMENDATIONS REGARDING A REGULATORY AGENCY.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 925. To authorize the incorporation with respect to the several counties and municipalities in this State of port authorities as non-profit public corporations for the purpose of developing any property on or near any navigable river in this State for recreational, transportation, agricultural, industrial and commercial purposes; to provide the method of organizing such corporations, the management thereof and the amendments of its certificate of incorporation; to specify the powers of such corporations; to authorize such corporations to issue bonds or securities payable solely from the revenues and receipts derived from the operation, lease or sale of its properties and to secure the same by pledges of such revenues and receipts, by mortgages on such properties and by indentures and other agreements; to authorize the refunding of such bonds and securities; to provide that all bonds of such corporations shall be negotiable instruments; to provide for remedies in the event of default of such bonds, securities or indentures; to exempt from taxation such corporations, their properties, their bonds and income therefrom; to provide for the filing of certificates of incorporation and amendments thereto, deeds to such corporations, deeds and leases by such corporations and their indentures and certificates of dissolution without the payment of any tax; to exempt such corporations from usury and interest laws; to exempt such corporations from competitive bid laws; to provide for the disposition of any earnings of the corporation; to provide bonds of such corporations shall be legal investments for executors, administrators, trustees and other fiduciaries and for saving banks and insurance companies; to provide that upon dissolution of such corporations all funds held by them and title to their properties shall vest in the municipality and the county with respect to which they are organized; to declare that this Act shall be cumulative and not restrictive of powers otherwise provided by law; to provide for the correction of errors or omissions in incorporation; and to provide for filings with the Alabama Securities Commission.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolutions, your signature thereto is requested.

H. 332. To amend Section 22-21-24, Code of Alabama, 1975, by increasing the annual fee for a hospital license and providing further for the accreditation and licensing of hospitals.

Also:

H. 550. To provide a supplemental salary for the Circuit Clerk serving the Tenth Judicial Circuit.

Also:

H. J. R. 329. COMMENDING E.B. ERWIN HIGH SCHOOL'S BAND UPON RECEIVING TOP HONORS IN THE GREAT AMERICAN MUSIC FESTIVAL IN ORLANDO, FLORIDA.

Also:

H. J. R. 343. REQUESTING STATE BOARD OF HEALTH TO NOTIFY LOCAL BOARDS OF HEALTH TO STOP PRACTICES OF REGULATING ELECTRICAL SERVICES TO BUILDINGS FOR FAILURE TO MEET CERTAIN SPECIFICATIONS.

Also:

H. J. R. 353. HONORING EDRIE VARNER GEDDIE, ELEMENTARY SCHOOL TEACHER, ELMORE COUNTY SCHOOL SYSTEM.

Also:

H. J. R. 357. DESIGNATING ACT NO. 80-585, SENATE BILL 357, AS THE MITCHEM-KELLEY ACT.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## BILLS ON THIRD READING RESUMED

On motion of Mr. Goodwin, the Rules were suspended and the Bill:

H. 14. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

was taken up.

And said Bill, H. B. 14, was read a third time at length and passed.

REGULAR SESSION  
30th Day

2399

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Little	Taylor
Bailey	Gulledge	Martin	Teague
Barron	Hall	Miller	Vacca
Britnell	Higginbotham	Mitchem	Weeks
deGraffenried	Holmes	Parsons	White
Denton	Kirkland	Smith	—22

*Nays:* —0

On motion of Mr. Barron, the Rules were suspended and the Bill:

H. 686. To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

was taken up.

And said Bill, H. B. 686, was read a third time at length as required by the Constitution, and passed.

Yeas 29; Nays 0.

*Yeas:*

Messrs.:	Glass	Kirkland	St. John
Bailey	Goodwin	Lemaster	Smith
Barron	Gulledge	Little	Taylor
Britnell	Hall	Martin	Teague
Callahan	Harrison	Miller	Vacca
Cook	Higginbotham	Parsons	Weeks
deGraffenried	Holmes	Robertson	White
Denton	Keener		—29

*Nays:* —1

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 467. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to

purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury, prescribing or limiting interest rates or requiring competitive bids for contracts to be entered into by the State or any public corporation; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide for the disposition of the earnings, if any, of the Authority; and to provide for the dissolution of the Authority and the disposition of its property.

JOHN W. PEMBERTON,  
Clerk.



HOUSE MESSAGE

On motion of Mr. Miller, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 467, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE SUBSTITUTE FOR S. B. 467

A BILL  
TO BE ENTITLED  
AN ACT

To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to establish a Legislative Oversight Committee and to provide for the appointment of its members and the payment of their expenses; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the

refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide that the directors, officers and employees of the Authority shall be subject to the Alabama Ethics Law and to the rules and promulgations by the Alabama Ethics Commission; and to provide for the dissolution of the Authority and the disposition of its property.

Be It Enacted by the Legislature of Alabama:

Section 1. Declaration of Purpose and Legislative Findings. The Legislature has found and determined and does hereby declare that in this State the following conditions exist: (a) that there exists in this State an inadequate supply of funds at interest rates sufficiently low to enable persons engaged in agriculture in this State to continue their operations at present levels; (b) that such inability to continue agricultural operations lessens the supply of agricultural commodities available to fulfill the needs of the citizens of this State; (c) that such inability to continue operations decreases available employment in the agricultural sector of the State and results in unemployment and its attendant problems; and (d) that it is necessary, desirable and in the best interest of the citizens of this State that provision be made for the establishment of a public corporation to promote the development of agriculture in this State by making available to persons engaged in agriculture in this State, at interest rates lower than would be otherwise obtainable, funds for use in agricultural operations and to vest such corporation with all powers that may be necessary to enable it to accomplish such purpose.

Section 2. Definitions. The following words and phrases used in this Act, and others evidently intended as the equivalent thereof, shall, in the absence of clear implication herein otherwise, be given the following respective interpretations herein:

"Affiliate" means, with respect to any Lender, any person, firm or corporation controlled by, or under common control with, such Lender, and any person, firm or corporation controlling such Lender.

"Agricultural Facility" means land, any building or other improvement thereon or thereto, and any personal properties deemed necessary or suitable for use, whether or not now in existence, in farming, ranching, the production

of agricultural commodities (including, without limitation, the products of aquaculture and silvaculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming.

"Authority" means the public corporation organized pursuant to the provisions of this Act.

"Board" means the board of directors of the Authority.

"Bonds" means and shall include bonds, notes, certificates, bond, grant or revenue anticipation notes or any other evidence of indebtedness representing an obligation to pay money.

"Director" means a member of the Board of the Authority.

"Lender" means any federal or state chartered bank, Federal Land Bank, Production Credit Association, Bank for Cooperatives, federal or state chartered savings and loan association or building and loan association, Small Business Investment Company or any other institution qualified within this State to originate and service loans, including, but without limitation to, insurance companies, credit unions and mortgage loan companies.

"Person" means, unless limited to a natural person by the context in which it is used, a person, corporation, association, partnership or cooperative.

"State" means the State of Alabama.

Section 3. Incorporation Authorized: Procedure. (a) The Governor, the Commissioner of Agriculture and Industries and the Director of Finance may incorporate and organize a public corporation, with the power and authority hereinafter provided, by proceeding according to the provisions of this Act. To organize such a corporation, the Governor, the Commissioner of Agriculture and Industries and the Director of Finance shall present to the Secretary of State of Alabama an application signed by them which shall set forth:

(1) The name and official designation of each of the applicants, together with a certified copy of the commission evidencing each applicant's right to office;

(2) The date on which each applicant was inducted into office and the term of office of each of the applicants;

(3) The name of the proposed corporation, which shall be Alabama Agricultural Development Authority;

(4) The location of the principal office of the proposed corporation, which shall be in the State;

(5) The period of duration of the proposed corporation (if the duration is to be perpetual, subject to the provisions of Section 14 hereof, that fact shall be stated); and

(6) Any other matter relating to the incorporation of the proposed corporation that the applicants may choose to insert and that is not inconsistent with this Act or the laws of the State.

(b) The application shall be subscribed and sworn to by each of the applicants before an officer authorized by the laws of the State to take acknowledgments to deeds.

(c) The Secretary of State shall examine the application; and, if he finds that it substantially complies with the requirements of this section, he shall receive and file it and record it in an appropriate book of records in his office.

(d) When the application has been made, filed and recorded as herein provided, the Secretary of State shall make the issue to the applicants a certificate of incorporation pursuant to this Act under the great seal of the State, and shall record the certificate with the application. There shall be no fees paid to the Secretary of State for any work done in connection with the incorporation or dissolution of the Authority.

Section 4. Board of Directors. (a) The Authority shall be governed by a board of directors, and all powers of the Authority shall be exercised by the Board or pursuant to its authorization. The Board shall consist of five Directors. The Commissioner of Agriculture and Industries shall be one of the Directors, and should he die or should his term of office expire, or should he resign therefrom, or should he otherwise vacate his office, his successor in office shall take his place as a Director. The remaining four Directors shall be appointed, by the persons and in the manner hereinafter prescribed, as soon as may be practicable after the incorporation of the Authority, for staggered terms as follows: The Speaker of the House of Representatives shall appoint one Director and the President Pro Tempore of the Senate shall appoint one Director each of whose initial term shall begin immediately upon his respective appointment and shall end on September 30 in the fourth calendar year next following the calendar year in which the certificate of incorporation of the Authority was issued; and the Governor shall appoint each of the two remaining Directors whose initial terms shall begin immediately upon their respective appointments and shall end on September 30 in the second calendar year next following the calendar year in which the certificate of incorporation of the Authority was issued. Thereafter, the term of office of each appointed Director shall be four years, commencing on the October 1 next following the September 30 on which the term of the immediate predecessor Director ended. If at any time there should be a vacancy on the Board not heretofore provided for, a successor Director shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed Director (other than those initially appointed), whether for a full four-year term or to complete an unexpired term, shall be made by the same State officer who appointed the Director whose term has expired or is to expire or in whose office a vacancy otherwise exists and shall be made not earlier than thirty days prior to the date on which such Director is to take office as such. If the term of office of any appointed Director shall expire prior to the reappointment of such Director or prior to the appointment of his successor, such Director shall continue to serve until his successor is appointed and qualified, and if such Director is re-appointed for a new term after the expiration of the immediately preceding term which he has been serving, his new term of office shall be deemed to have commenced on the October 1 next following the expiration of such immediately preceding term. Directors shall be eligible for re-appointment.

(b) Each appointed Director shall, at the time of his appointment and at all times during his term of office, be a qualified elector of the State; and a failure by any appointed Director to remain so qualified during such term shall cause a vacancy of the office of such Director. No officer or employee of the State or of any county, city or town therein, and no officer, employee, director or trustee of any Lender or any Affiliate thereof, shall be eligible for appointment as a Director. The acceptance by an appointed Director of any office or employment which, had such Director held such office or been so

employed at the time of his appointment as a Director, would have rendered him ineligible for appointment as a Director, shall cause a vacancy of the office of such Director. Each Director shall serve without compensation, except that he may be reimbursed for expenses actually incurred by him in and about the performance of his duties.

(c) A majority of the Directors shall constitute a quorum for the transaction of business. No vacancy in the membership of the Board or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum of the Board to exercise all the powers and duties of the Authority. Any appointed Director may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama, or successor provision thereof, and the general laws of the State for impeachment and removal of the officers mentioned in said Section 175, or successor provisions thereof. All proceedings of the Board shall be reduced to writing by the secretary of the Authority and maintained in the permanent records of the Authority. Copies of such proceedings, when certified by the secretary of the Authority under the seal of the Authority, shall be received in all courts as evidence of the matters therein certified.

Section 5. Officers of the Authority. The officers of the Authority shall consist of a chairman, vice chairman, secretary, treasurer and such other officers as the Board shall deem necessary or appropriate. The offices of secretary and treasurer may, but need not, be held by the same person. The Commissioner of Agriculture and Industries shall be the chairman of the Authority; the vice chairman of the Authority shall be elected by the Board from the membership thereof; the secretary, the treasurer and any other officers of the Authority may, but need not, be members of the Board and shall also be elected by the Board.

Section 6. There shall be established a Legislative Oversight Committee to provide recommendations to the Board concerning efficient operation of the Authority. The committee shall consist of seven members of the House of Representatives, one from each congressional district appointed by the Speaker of the House and seven members of the Senate, one from each congressional district appointed by the Lieutenant Governor. The Governor, Lieutenant Governor and Speaker of the House or their designated representatives shall serve as ex officio members. The legislative members shall be named at each organizational session and all members shall serve until their successors are properly qualified. All members of this committee shall be entitled to their actual expenses incurred in the performance of their duties as members of the committee.

Section 7. Powers of the Authority. The Authority shall have the following powers, together with all powers incidental thereto or necessary to the discharge thereof in corporate form:

(1) To have succession by its corporate name for the duration of time (which may be perpetuity, subject to the provisions of Section 14 hereof) specified in its certificate of incorporation;

(2) To sue and be sued in its own name in civil suits and actions, and to defend suits against it;

(3) To adopt and make use of a corporate seal and to alter the same at pleasure;

(4) To adopt, alter and repeal by-laws, not inconsistent with the provisions of this Act, for the regulation and conduct of its affairs and business;

(5) To loan its funds to one or more Persons to be used by such Persons to **pay the costs of acquiring, whether by purchase, construction or otherwise, reconstructing or improving Agricultural Facilities, such loans to be on such terms and conditions, and for such period of time, and secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness of such Persons as the Board may determine;**

(6) To purchase, or to make commitments to purchase, from Lenders mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, which mortgages and other instruments were executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction, or otherwise, reconstruct or improve Agricultural Facilities; provided that nothing contained herein shall empower the Authority to purchase from Lenders such mortgages or other instruments or participations therein which represent obligations incurred by the obligor more than six months prior to the date of such purchase by the Authority;

(7) To contract with Lenders or others for the origination of or the servicing of the loans made by the Authority pursuant to paragraph (5) of this section or represented by the mortgages or other instruments which it has purchased pursuant to paragraph (6) of this section; provided that such servicing fee shall not exceed one per cent per annum of the principal amount outstanding owed to the Authority;

(8) To foreclose any mortgages, deeds of trust, notes, debentures, bonds and other security interests held by it, either by action or by exercise of a power of sale, and to sell the equity of redemption in **said security interests in accordance with the terms of said instruments and applicable state law, and to take all such other actions as may be necessary to enforce any obligation held by it;**

(9) To purchase the equity of redemption in any such mortgage, deed of trust, note, debenture, bond or other security interest;

(10) To receive and accept, from any source, aid or contributions of money, property, labor or other items of value for furtherance of any of its purposes, subject to any conditions not inconsistent herewith or with the laws of this State pertaining to such contributions, including, but without limitation to, gifts or grants from any department, agency or instrumentality of the United States of America.

(11) To collect such fees and charges in connection with its loans, advances, insurance, commitments, servicing and other activities as it may determine;

(12) To sell at either public or private sale, with or without public bidding, any mortgage, deed of trust, note, debenture or other obligation held by the Authority;

(13) To procure such insurance and guarantees as the Board may deem advisable, including, but without limitation to, insurance or guarantees against any loss in connection with any notes or obligations held by it, and any of its property or assets, and for payment of any Bonds or other obligations issued by the Authority, in such amounts and from such public or private entities, as it may deem advisable, and to pay premiums or other charges for any such insurance or guarantees;

(14) To borrow money and to sell and issue its Bonds for any corporate function, use or purpose authorized herein;

(15) To mortgage, pledge, assign or grant security interests in any or all of its notes or other instruments, contract rights or other property, including, but without limitation to, and receipts from insurance on or guarantees of any of its notes or other instruments, as security for the payment of the principal of and interest on any Bonds issued by the Authority, or as security for any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues from which said Bonds are payable as security for the payment of the principal of and interest on said Bonds and any agreements made in connection therewith;

(16) To execute and deliver, in accordance with the provisions of this section and of Section 8 hereof, mortgages and deeds of trust and trust indentures, or either;

(17) To appoint, employ, contract with, and provide for the compensation of, such officers, employees and agents, including, but without limitation to, engineers, attorneys, management consultants, fiscal advisors, and agricultural, silvacultural and aquacultural experts, as the business of the Authority may require; provided, however, that no Director or member of his or her firm, business, partnership or corporation shall be employed or compensated by the Authority;

(18) To invest any funds of the Authority that the Board may determine are not presently needed for any of its corporate purposes in obligations of the United States of America, and interest bearing bank and savings and loan association deposits, or any thereof;

(19) To enter into a management agreement or agreements with any Person for the management by said Person for the Authority of any of its properties upon such terms and conditions as may be mutually agreeable;

(20) To sell, exchange, donate and convey any or all of its properties whenever its Board shall find any such action to be in furtherance of the purposes for which the Authority was organized; and

(21) To make, enter into, and execute such contracts, agreements, leases and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the Authority was organized or to exercise any power expressly granted hereunder.

All meetings of the Board of the Authority for any purpose shall be open to the public.

Section 8. Bonds of the Authority. (a) Source of Payment. All Bonds issued by the Authority shall be payable solely out of the revenues and other receipts of the Authority as may be designated in the proceedings of the Board under which the Bonds shall be authorized to be issued.

(b) Pledge of Revenues and Other Security. The principal of and interest on any Bonds issued by the Authority shall be secured by a pledge of the revenues and other receipts out of which the same may be payable and may be secured by a trust indenture evidencing such pledge or by a foreclosable mortgage and deed of trust conveying as security for such Bonds all or any part of the property of the Authority from which the revenues so pledged may be derived. The resolution under which the Bonds are authorized to be issued or any such trust indenture or mortgage may contain any agreements and

provisions respecting the maintenance and insurance of the property covered by such trust indenture or mortgage, the use of the revenues subject to such trust indenture or mortgage, the creation and maintenance of special funds from such revenues, the rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the Board shall deem advisable and which are not in conflict with the provisions of this Act.

(c) Execution. All Bonds issued by the Authority shall be signed by its chairman or vice chairman and attested by its secretary, and the seal of the Authority shall be affixed thereto, and any interest coupons applicable to the Bonds of the Authority shall be signed by its chairman or vice chairman; provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such Bonds in lieu of his manually signing the same, a facsimile of the seal of the Authority may be printed or otherwise reproduced on any such Bonds in lieu of being manually affixed thereto, and a facsimile of the signature of its chairman or vice chairman may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) General Provisions Respecting Form, Interest Rate, Maturities, Sale and Negotiability of Bonds. Any such Bonds may be executed and delivered by the Authority at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions permitting or restricting redemption of such Bonds prior to their maturities, shall contain such provisions not inconsistent with the provisions of this Act, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its Board. Bonds of the Authority may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the Board to be most advantageous. The Authority may pay all expenses, premiums and commissions in connection with any financing done by it. Whether or not any Bonds of the Authority, and any interest coupons appertaining thereto, are of such form and character as to be negotiable instruments under the terms of the Alabama Uniform Commercial Code, all Bonds, except Bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the Authority shall be construed to be negotiable instruments although payable solely from a specified source.

(e) Nature of Obligation and Source of Payment. All obligations created and all Bonds issued by the Authority shall be solely and exclusively an obligation of the Authority and shall not create an obligation or debt of the State or a charge on its credit or taxing powers. Any Bonds issued by the Authority shall be limited or special obligations of the Authority payable solely out of the revenues and other receipts of the Authority specified in the proceedings authorizing those Bonds.

(f) Eligibility for Investment. Any Bonds of the Authority are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the State.



(g) Eligibility as Security for State Deposits. Any Bonds of the Authority shall be, in addition to the bonds and other securities enumerated in Section 41-14-2 of the Code of Alabama of 1975, and hereby are made securities which may be accepted as security or for which receipts can be accepted as security for the deposit of state funds, such Bonds to be accepted at face or par value.

Section 9. Proceeds from the Sale of Bonds. All moneys derived from the sale of any Bonds issued by the Authority shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the establishment of reserve funds as security for the payment of the principal of (and premium, if any) and interest on the Bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to (i) the fiscal, consulting, legal and other expenses incurred in connection with the issuance of the Bonds, and (ii) except in the case of refunding Bonds, interest to accrue on such Bonds for a period ending not later than two (2) years from their date.

Section 10. Refunding Bonds. Any Bonds issued by the Authority may from time to time be refunded by the issuance, by sale or exchange, of refunding Bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the Bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such Bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the Bonds to be refunded, any interest to accrue on each Bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with such refunding; provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such Bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding Bonds for such refunding. Any refunding Bonds may be sold by the Authority at public or private sale at such price or prices as may be determined by its Board to be most advantageous, or may be exchanged for the Bonds or other obligations to be refunded. Any refunding Bonds issued by an Authority shall be issued and may be secured in accordance with the provisions of Section 8 of this Act.

Section 11. Exemption from Taxation. The property and income of the Authority, all Bonds issued by the Authority, the income from such Bonds, conveyances by or to the Authority, and leases, mortgages and deeds of trust or trust indentures by or to the Authority shall be exempt from all taxation in the State of Alabama. The Authority shall be exempt from all taxes levied by any county, incorporated city or town, or other political subdivision of the State, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the Authority may engage. The Authority shall not be obligated to pay or allow any fees, taxes or costs to the Judge of Probate of any county of this State in respect of its incorporation or the recording of any document. Nothing in this section shall be construed to exempt any private person, firm or corporation from payment of any ad valorem, mortgage or deed taxes or recording fees notwithstanding the fact that an Authority has acquired an interest in the property or instrument subject to such taxes or fees.

Section 12. Exemption from Usury and Interest Laws. The Authority shall be exempt from the laws of the State of Alabama governing usury or prescribing or limiting interest rates, including, but without limitation to, the provisions of Chapter 8 of Title 8 of the Code of Alabama of 1975, as it may at any time be amended.

Section 13. Freedom of Authority from State Supervision and Control. This Act is intended to aid the State through the furtherance of the purposes of the Act by providing an appropriate and independent instrumentality of the State with full and adequate powers to fulfill its functions. Except as expressly provided in this Act, no proceeding, notice or approval shall be required for the incorporation of the Authority, the purchase of any note or other instrument secured by a mortgage, deed of trust, note or other security interest, the issuance of any Bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the Authority. Neither a public hearing nor the consent of the State Department of Finance shall be prerequisite to the issuance of Bonds by the Authority. The Directors, the officers and employees of the Authority shall be subject to the Alabama Ethics Law and to the rules and promulgations by the Alabama Ethics Commission.

Section 14. Dissolution of the Authority and Vesting of Title to its Property. At any time when the Authority has no bonds or other obligations outstanding, its Board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the Authority shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the Secretary of State, the Authority shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the State.

Section 15. Provisions are Cumulative. The provisions of this Act are cumulative and shall not be deemed to repeal existing laws, except to the extent such laws are clearly inconsistent with provisions of this Act.

Section 16. Liberal Construction. This Act being remedial in nature, the provisions of this Act shall be liberally construed to effect its purpose.

Section 17. Severability. In the event any section, sentence, clause or portion of this Act should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining sections, sentences, clauses or portions of this Act, which shall continue effective.

Section 18. Effective Date of Act. This Act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

#### HOUSE AMENDMENT TO SUBSTITUTE FOR S. B. 467

Amend Substitute for Senate Bill No. 467, page 7, line 27, after the word "consist" by striking the following:

of five Directors. The Commissioner of Agriculture and Industries shall be one of the Directors, and should he die or should his term of office expire, or should he resign therefrom, or should he otherwise vacate his office, his successor in office shall take his place as a Director.

and insert in lieu thereof:

of seven Directors. The Commissioner of Agriculture and Industries, the Director of Finance and the Superintendent of Banking shall be ex officio members of the Board of Directors.

HOUSE AMENDMENT TO SUBSTITUTE FOR S. B. 467

Amend Substitute for Senate Bill No. 467, page 16, line 30, after the word "authority", by striking the following:

may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous

and insert in lieu thereof the following:

may be sold at public sale, including without limitations the rejection of all bids, at such price or prices and at such times as determined by the Board of Directors to be advantageous. In addition, if bids are rejected or upon a finding by the Director of Finance of the State that a public sale of the Authority's bonds is under the circumstances either impractical or undesirable bonds may be sold at private sale in such manner and at such price or prices and at such time or times as may be determined by the Board of Directors to be most advantageous.

Yeas 23; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Smith
Bailey	Goodwin	Little	Taylor
Britnell	Gulledge	Martin	Teague
Callahan	Harrison	McDonald	Vacca
Cook	Higginbotham	Miller	Weeks
deGraffenried	Holmes	Mitchem	White

—23

*Nays:*

—0

BILLS ON THIRD READING RESUMED

On motion of Mr. Gulledge, the Rules were suspended and the Bill:

H. 916. To amend Section 10 of Act No. 79-688, H. 540, 1979 Regular Session (Acts 1979, p. 1217), entitled "An Act Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in 'captive' counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date," so as to provide further for the alternative effective date of said act.

was taken up.

And said Bill, H. B. 916, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	St. John
Bailey	Gulledge	Kirkland	Smith
Barron	Hall	Little	Taylor
Britnell	Harrison	Martin	Vacca
Cook	Higginbotham	McDonald	Weeks
Denton			

—20

*Nays:*

—0

On motion of Mr. St. John, the Rules were suspended and the Bill:

H. 78. To make supplemental appropriation to the Alabama State Bar, from the Bar Association Fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

was taken up.

And said Bill, H. B. 78, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Keener	Parsons	
Bailey	Gulledge	Kirkland	St. John	
Barron	Hall	Little	Smith	
Britnell	Harrison	Martin	Vacca	
Cook	Higginbotham	McDonald	Weeks	
Denton				—20

*Nays:* —0

On motion of Mr. Taylor, the Rules were suspended and the Bill:

H. 305. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$750.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

was taken up.

And said Bill, H. B. 305, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Parsons	
Bailey	Glass	Little	Smith	
Barron	Goodwin	McDonald	Taylor	
Britnell	Hall	Miller	Vacca	
Callahan	Harrison	Mitchem	Weeks	
Cook	Keener			—21

*Nays:* —0

On motion of Mr. Taylor, the Rules were suspended and the Bill:

H. 306. To amend Section 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any report required by law, rule or regulation.

was taken up.

Mr. Taylor offered the following amendment to the Bill, H. B. 306, to-wit:

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AMENDMENT TO H. B. 306.

Amend H. B. 306 as follows:

On Page 2, after the word "penalty" in line 6, delete the rest of line 6 and all of lines 7 and 8 and insert the following in lieu thereof:

"of not more than 10 percent of the amount"

Further amend, on page 2, by deleting lines 19 through 21 and inserting in lieu thereof the following:

"in an amount equal to at least the following:

1. If the number of employees to be reported on such report is five or less the penalty shall be \$10; if more than five but less than 25, \$20; 26 to 50, \$40; 51-100, \$75; 101 to 500, \$100; 501 to 1,000, \$200 and 1001 and above \$300.

2. Such penalty shall be in addition to any penalty assessed under the provisions of subsection (a) of section and shall apply for each report's due date separately—and shall be assessed for any one or more reports pertaining to a single calendar quarter."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Cook	Little	Smith
Bailey	Goodwin	Martin	Taylor
Barron	Hall	Miller	Vacca
Britnell	Harrison	Mitchem	Weeks
Callahan	Keener	Parsons	
			—18

Nays: —0

Mr. Higginbotham offered the following amendment to the Bill, H. B. 306, as amended, to-wit:

AMENDMENT TO H. B. 306, AS AMENDED

Amend H. B. 306 by inserting the following as Section 3 on page 2 line 23 and renumber the Sections accordingly:

"Section 3. All interest and penalties collected pursuant to Sections 25-4-132 through 25-4-134 after the effective date of this Act shall be credited to the Unemployment Compensation Trust Fund notwithstanding the provisions of Section 25-4-142(b) and all unencumbered funds in excess of \$100,000 in the 'special employment security administrative fund' on the effective date of this Act, shall be transferred to the Unemployment Compensation Trust Fund."

Which was adopted.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Denton	Kirkland	Robertson
Bailey	Glass	Little	Smith
Barron	Goodwin	Martin	Taylor
Britnell	Hall	Miller	Weeks
Cook	Higginbotham	Parsons	
			—18

Nays: —0

And said Bill, H. B. 306, as thus amended, was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Cook	Kirkland	Taylor	
Bailey	Goodwin	Little	Teague	
Barron	Hall	Miller	Vacca	
Britnell	Harrison	Mitchem	Weeks	
Callahan	Higginbotham	Smith	White	
				—19

*Nays:* —0

On motion of Mr. Weeks, the Rules were suspended and the Bill:

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

was taken up.

Mr. Weeks offered the following amendment to the Bill, H. B. 417, to-wit:

#### AMENDMENT TO H. B. 417

Amend House Bill No. 417, page 1, line 26, by striking out after the word classification, "in which that person was working" and insert in lieu thereof the following:

which that person held

Which was adopted.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Glass	Holmes	Teague	
Bailey	Goodwin	Keener	Vacca	
Britnell	Hall	Kirkland	Weeks	
Cook	Harrison	Little	White	
Denton	Higginbotham	Taylor		—18

*Nays:* —0

And said Bill, H. B. 417, as thus amended, was read a third time at length and passed.

Yeas 21; Nays 0.

*Yeas:*

Messrs.:	Denton	Kirkland	Parsons	
Bailey	Goodwin	Little	Taylor	
Barron	Gulledge	Martin	Vacca	
Britnell	Hall	Miller	Weeks	
Cook	Higginbotham	Mitchem	White	
deGraffenried	Holmes			—21

*Nays:* —0

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolutions with the original Senate Bills and Senate Joint Resolutions respectively, and finds same correctly enrolled, to-wit:

S. 15. Relating to controlled substances; making it unlawful to knowingly sell, manufacture, deliver, bring into the state, or knowingly be in actual or constructive possession of specified amounts of certain controlled substances or mixtures containing certain controlled substances; prescribing mandatory fines and mandatory minimum terms of imprisonment; and providing for reduction or suspension of sentences under certain circumstances.

Also:

S. 57. To amend Section 31-2-92, Code of Alabama 1975, to allow for the institution of courts-martial proceedings after the expiration of the duty assignment during which the offense occurred.

Also:

S. 126. To allow recipients to retain for their own use unsolicited merchandise received through the mails or by common carrier.

Also:

S. 139. To provide for an Insurance Guaranty Association so as to avoid financial loss to claimants or policyholders because of the insolvency of any insurer; to provide for definitions; to provide for a Board of Directors and powers and duties of the Association; to provide for powers and duties of the Commissioner; to provide for certain tax exemptions and immunity, to provide for termination procedures and distribution of funds, to afford preferred creditor status and to provide immediate access to the assets of an insolvent insurer.

Also:

S. 210. To amend Title 11, Code of Alabama, 1975 relating to the creation, composition, duties and authority of the county commissions of Alabama; and to specifically amend the following sections: §11-3-1, relating to creation, composition, election and term of commissioners; §11-3-4, relating to compensation of commissioners; §11-3-7, relating to the quorum for county commission meetings; §11-3-9, relating to special meetings of the county commission; §11-3-18, relating to proceedings at meetings of the county commission; §11-3-19, relating to the appointment of a special clerk; §11-3-20, relating to the determination of matters where the county commission is divided, prescribing duties for the chairman of the county commission; §11-4-23(5), relating to the treasurer providing a statement of moneys received; §11-10-2, relating to tax anticipation loans; §11-12-4, relating to

claims and demands against the county; §11-12-13, relating to lights and fuel for sessions of court and county commission; §11-14-2, relating to custody of county property; §11-14-9, relating to custody and maintenance of the courthouse; §11-14-19, relating to special meetings of the county commission to make appropriations for jail; and §11-14-22, relating to the examination of jails.

Also:

S. 252. To amend Section 36-25-35, 36-26-35 of the Code of Alabama 1975 relating to the annual leave of state employees so as to further provide that annual leave shall be based on years of total service.

Also:

S. 354. To promote the conservation of the state's petroleum resources and to encourage the use of alternative motor fuels, and to accomplish such measures by offering a tax incentive in the form of a reduced rate of taxation on the motor fuel known as "gasohol," as defined herein.

Also:

S. 383. To permit the possession of certain quantities of state untaxed alcoholic beverages purchased on federal military installations by eligible active duty, reserve, and retired military members and their dependents for private use; to prohibit the keeping, storing or possession of such alcoholic beverages in the passenger area of any vehicle, or in the view of any passenger; to make it unlawful to sell or offer for sale such state untaxed alcoholic beverages to anyone not authorized to purchase such beverages himself or to possess in excess of the quantity permitted; and to make the violation of such restrictions on sale and possession of excess quantities a misdemeanor and to set the penalties therefor.

Also:

S. 505. To amend Section 22-51-8 of the Code of Alabama 1975, relating to boards of directors of regional mental health facilities, so as to provide further for the composition of such boards.

Also:

S. 557. To repeal Act No. 614, H. 1117, 1978 Regular Session (Acts 1978, p. 872), entitled, "An Act To increase the salaries of certain officials of Cullman County and to provide for the manner of their payment."

Also:

S. 591. To amend further Act No. 470, H. 952 of the regular session of 1939, approved September 15th, 1939, (local acts, 1939, page 298), and amended by Act No. 684 Regular Session of 1976 which creates and establishes the County-wide Civil Service System in Mobile County, so as to provide for an expense allowance and compensation for the members of the Personnel Board, and to provide for equal promotional opportunity for entry level unskilled laborers who have been employed in a jurisdiction for a minimum of six (6) months.

Also:

S. 610. To amend Section 1 of Act No. 710, H.1102 (1976 Regular Session) (Acts 1976 p. 990) an act providing for the minimum compensation for all Deputy Sheriffs in counties having a population of not less than 300,000 nor more than 500,000 according to the last or any subsequent federal census in the State of Alabama.



Also:

S. 627. To provide for restitution to victims of crimes by offenders; imposes penalties for default on payment by offenders; and provides for local restitution centers to be under the supervision of the State Board of Pardons and Paroles.

Also:

S. J. R. 54. Changing the name of "Medical Services Administration" to Medicaid Agency.

Also:

S. J. R. 218. CONGRATULATING JOE BRUNO, OUTSTANDING BUSINESSMAN AND HUMANITARIAN, ON HIS LATEST HONOR, THE HORATIO ALGER AWARD.

Also:

S. J. R. 226. COMMENDING MR. CHARLES MACK STOKES UPON HIS RETIREMENT FROM AUBURN UNIVERSITY'S DEPARTMENT OF AGRICULTURAL ENGINEERING.

Also:

S. J. R. 227. COMMENDING TROY STATE UNIVERSITY GOLF TEAM.

Also:

S. 8. To amend Section 32-10-8 of the Code of Alabama 1975, so as to require the social security number of drivers involved in accidents or charged with a moving vehicle violation on the uniform report form or citation.

Also:

S. 91. To amend Section 11-54-87 of the Code of Alabama 1975, relating to municipal industrial development boards, so as to provide that such a board may use proceeds from the sale of its bonds (whether heretofore or hereafter issued) for payment of certain interest on such bonds and may, subject to the other provisions of said Section 11-54-87, locate a project or part thereof outside the corporate limits but within the police jurisdiction of another city or town in this state without the consent of the governing body of such other city or town if such project or part thereof to be located outside the corporate limits but within the police jurisdiction of such other city or town consists principally or solely of facilities for or useful in the control, reduction, abatement or prevention of pollution of air or water or both.

Also:

S. 196. To amend Section 25-4-16, Section 25-4-74, Section 25-4-78, Section 25-4-91, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act to redefine "wages" to include back pay awards; to distribute such payments over the period covered by such payments; to describe the effect receipt of such payments shall have on the receipt of benefits and to permit a claim to be reopened and redetermined after the end of the benefit year if the original determination was based upon false or misrepresented information.

Also:

S. 213. To amend further sections 36-32-1 through 36-32-8 and section 36-32-11, Code of Alabama 1975, relating to the fire fighters' personnel standards and education commission, so as to provide further for the organization, powers and duties of such commission."

Also:

S. 339. To provide for a minimum salary for certain probate judges.

Also:

S. 529. To amend Section 36-18-1 through 36-18-4, Code of Alabama 1975, which establish and provide for the duties of the office of State Toxicologist, so as to provide further for the duties and rename the office.

Also:

S. 357. To authorize and provide for the incorporation of the Alabama Housing Finance Authority for the purpose of making available at lower interest rates funds for the financing of single and multi-family dwelling units for low and moderate income families; to provide for the members, officers and directors of the Authority; to provide for the powers, authorities and duties of the Authority and its board of directors; to provide for the appointment of a committee advisory to the board of directors; to authorize the Authority to purchase notes and other instruments evidencing indebtedness secured by mortgages, deeds of trust, and other instruments granting security interests in such single and multifamily dwelling units for low and moderate income families and to make loans to mortgage lenders for making such loans; to authorize the Authority to foreclose such mortgages, deeds of trust, or other security interests and exercise all other rights in the enforcement thereof and in realizing upon the security provided thereby; to authorize the Authority to make contracts with others for the origination and servicing of such loans represented by notes or other instruments evidencing such loans; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable out of the revenues and property of the Authority; to provide that such securities shall constitute negotiable instruments; to provide that such securities may be secured by a pledge of the revenues from which they are payable, by contracts binding the Authority to the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on property of the Authority; to provide for the employment by the Authority of such employees and agents as its business may require; to provide for the taking out by the Authority of various types of insurance and the creation of various reserves; to provide for the investment of the funds of the Authority; to authorize the sale or conveyance by the Authority of any of its properties; to provide for the use of the proceeds of any such securities issued by the Authority; to provide for the refunding of securities theretofore issued by the Authority; to provide that the Authority may not issue bonds (other than refunding bonds) subsequent to December 31, March 31, 1982, except as authorized by Act of the Legislature regularly enacted into law; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for various governmental bodies and fiduciaries; to provide for the applicability of certain provisions of the Alabama Uniform Commercial Code to certain transactions entered into by the Authority; to exempt the property and income of the Authority and all

securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust, assignments and other instruments to which the Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to judges of probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from all laws of the State requiring competitive bids for contracts to be entered into by public corporations; to exempt the Authority from the supervision and control of any State agency; to provide for the disposition of the earnings, if any, of the Authority; and to provide that members of the board of directors of the Authority shall disclose potential conflicts of interest and refrain from participating in actions or proceedings in which they have an interest.

ALBERT McDONALD,  
Chairman.

### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolutions, the titles of which are set out in the foregoing report from the Committee on Rules.

### FURTHER CONSIDERATION OF H. B. 170

The Senate proceeded to further consideration of the Bill, H. B. 170.

And said Bill, H. B. 170, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Holmes	McDonald
Bailey	Gulledge	Kirkland	Smith
Britnell	Hall	Lemaster	Taylor
Cook	Harrison	Little	Teague
deGraffenried	Higginbotham	Martin	Vacca
Denton			—20

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 555. To authorize and make provision for any municipality or county or any department, board, bureau, commission or agency of any municipality or county, whether incorporated or not, or any municipal public corporation incorporated with the approval of, or the directors of which are elected or appointed by the governing body of any municipality or county, to apply for, accept and receive, expend or apply the proceeds of, to agree to comply with the conditions of, or to loan, advance or donate to, another public body, or to any person, firm or corporation, any gift, grant,

appropriation, donation or advance, by or from the United States of America, the State of Alabama or any other public or private donor; to empower and authorize each municipality or county and each such municipal public corporation to anticipate the receipt of the proceeds of any such grant, gift, appropriation, donation or advance, by loan or assignment, and as evidence of such loan or assignment to issue its bonds, warrants, notes or certificates of indebtedness, which may be either general obligations or special or limited obligations; to provide for the source of payment and security for such obligations; to provide that such obligations shall be legal investments for public bodies, bankers, insurers and fiduciaries and others; to exempt such obligations from taxation; and to authorize municipalities or counties and such municipal public corporations to pledge and grant security interests in the proceeds of gifts, grants, appropriations, donations or advances, as security for bonds, warrants, notes, or certificates of indebtedness issued by such municipality or county or such municipal public corporation under authority of laws other than this act.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill, the title of which is set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 432. To amend Section 40-12-244 Code of Alabama 1975 which exempts certain persons from motor vehicle license taxes and registration fees, so as to include vehicles owned by the Civil Air Patrol within the exemption.

Also:

H. 811. To facilitate vehicular traffic in the state by providing for the construction, operation and maintenance of toll road, bridge and tunnel projects, creating the Alabama Toll Road, Bridge and Tunnel Authority and defining its powers and duties; authorizing the issuance of revenue bonds payable from tolls and other revenues to pay the cost of such projects; providing that no debt of the state shall be incurred in the exercise of any of the powers granted by this act; providing for the collection of tolls and other revenues for the payment of such bonds and for the cost of maintenance, operation and repair of such projects; making such bonds exempt from taxation and constituting them legal investments in certain instances; prescribing conditions upon which such projects shall become free; providing for condemnation; granting certain powers and authority to municipal subdivisions and agencies of the state to cooperate with the Authority; authorizing the issuance of revenue refunding bonds; making an appropriation to pay initial expenses and providing for the repayment thereof; and prescribing penalties.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 138. Relating to the annual fee and assessment required to be paid by state chartered savings and loan associations, so as to change the Assessment from the existing \$.20 per \$1,000.00 of total assets to provide that such assessment fee shall be fixed by the Savings and Loan Commissioner and approved by the State Savings and Loan Board from time to time, and to repeal §5-16-38, Code of Alabama 1975.

Also:

H. 199. Relating to the eradication and control of swine diseases: to make an appropriation to the Department of Agriculture and Industries for the fiscal year ending September 30, 1981, to indemnify owners of swine for the value of any swine ordered condemned and destroyed for the prevention and eradication of the disease of hog cholera, African swine fever and other swine diseases.

Also:

H. 518. To amend Section 1 of Act No. 834, Acts of Alabama 1978 Regular Session, amending Section 39-2-12, Code of Alabama 1975, in order to add thereto definitions of words employed therein, to change the amount of retainage withheld, and to provide further for the methods and manner of investment and the administration of the investment of retainage held in escrow.

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 14. To amend Section 40-17-171 of the Code of Alabama 1975, relating to the levy of excise taxes on oils, greases or substitutes, so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Also:

**H. 1004.** To amend Section 34-8-22 of the Code of Alabama 1975 relating to the state licensing board for general contractors so as to further provide for the *per diem* of the members of the board.

Also:

**H. 686.** To propose an amendment to the Constitution of Alabama of 1901; to provide that the legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex; and to provide that such laws may be made to apply retrospectively.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Greer, Coburn and Smith (C):

**H. J. R. 330. URGING THE BOARDS OF EDUCATION TO ADOPT A POLICY OF ALLOWING KINDERGARTENS TO HOLD TWO SESSIONS, ONE IN THE SPRING AND ONE IN THE FALL.**

WHEREAS, the Legislature of Alabama recognizes the important role that the kindergarten plays in the overall educational development of children; now therefore,

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, That the state and local boards of education at their option are urged to adopt a policy of allowing two kindergarten schedules, one session in the Spring and one session in the Fall.

BE IT FURTHER RESOLVED, That copies of this resolution be sent to Dr. Wayne Teague, State Superintendent of Education.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. McDonald, the Rules were suspended and the Resolution, H. J. R. 330, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

BILLS ON THIRD READING RESUMED

On motion of Mr. deGraffenried, the Rules were suspended and the Bill:

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-10-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections, and to provide that all of the fees provided for in each of the sections amended by this act, when collected, shall be refunded to the fund or official paying the administrative costs of performing the functions for which said fees are provided.

was taken up.

And said Bill, H. B. 709, was read a third time at length and passed.

Yeas 19; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Denton	Hall	Little
Bailey	Figures	Higginbotham	Smith
Britnell	Glass	Keener	Taylor
Callahan	Goodwin	Kirkland	Teague
Cook	Gulledge	Lemaster	Vacca

—19

*Nays:* —0

*Abstaining:* Mr. Harrison. —1

On motion of Mr. Denton, the Rules were suspended and the Bill:

H. 4. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

was taken up.

And said Bill, H. B. 4, was read a third time at length and passed.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Denton	Higginbotham	Robertson
Bailey	Glass	Keener	Smith
Barron	Goodwin	Kirkland	Taylor
Britnell	Gulledge	Little	Teague
Cook	Hall	Martin	Vacca

—19

*Nays:* —0

On motion of Mr. Bailey, the Rules were suspended and the Bill:

H. 179. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

was taken up.

And said Bill, H. B. 179, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Cook	Higginbotham	Parsons	
Bailey	Glass	Kirkland	Pearson	
Barron	Goodwin	Little	Taylor	
Britnell	Gulledge	Martin	Vacca	
Callahan	Hall	Mitchem		—18

*Nays:* —0

On motion of Mr. Goodwin, the Rules were suspended and the Bill:

H. 605. To amend sections 40-9-19 and 40-9-21 of the Code of Alabama 1975, relating to homestead exemptions and an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older, so as to prescribe further the amount of exemption and the amount of acreage allowed for such exemption.

was taken up.

And said Bill, H. B. 605, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Glass	Little	Taylor	
Britnell	Goodwin	Martin	Teague	
Cook	Hall	Robertson	Vacca	
deGraffenried	Holmes	St. John	White	
Denton	Kirkland	Smith		—18

*Nays:* —0

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 540. To provide a 16% increase in the state compensation payable to certain personnel in public education.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.



MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Reps. Lewis, Howard, Boles, Trammell

H. J. R. 341. NAMING THE INDUSTRIAL TRAINING CENTER NEWLY CONSTRUCTED AT BESSEMER STATE TECHNICAL COLLEGE, "MILLSAP INDUSTRIAL TRAINING CENTER"

WHEREAS, Mr. Robert Millsap has served as Chairman of the Bessemer State Technical College's Advisory Council since 1965, and has contributed many hours of his time in the development of the College in providing leadership with business and industry representatives; and

WHEREAS, it was through his efforts and dedication for Trade and Technical Education that brought about the establishment of Bessemer Trade School through state officials and the Trade School and Junior College Authority in 1962-1963; Mr. Millsap, as Chairman, gained the citizens' support of contributions to obtain the property where the College is located; and

WHEREAS, he has served on local Advisory Committees and is past president of the Bessemer Board of Education and Bessemer Chamber of Commerce; and

WHEREAS, since 1965 Bessemer State Technical College has grown to become the largest Technical College in the State of Alabama serving over 2400 students in technical training; and

WHEREAS, construction was completed in the spring of 1980 for an Industrial Training Center with the opening and dedication to be held in the summer; this new center will serve specialized training for business and industry; and

WHEREAS, to honor Mr. Robert Millsap, the College's Advisory Council has approved the designation of this facility as, "Millsap Industrial Training Center"; now therefore

BE IT RESOLVED BY THE LEGISLATURE OF ALABAMA, BOTH HOUSES THEREOF CONCURRING, that the Industrial Training Center constructed at Bessemer State Technical College is hereby named and designated as, "Millsap Industrial Training Center."

BE IT FURTHER RESOLVED, that proper authorities are directed to cause appropriate signs and markers to be erected and maintained in so designating said facility as, "Millsap Industrial Training Center."

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Cook, the Rules were suspended and the Resolution, H. J. R. 341, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

## BILLS ON THIRD READING RESUMED

On motion of Mr. Martin, the Rules were suspended and the Bill:

H. 262. To require reimbursement to the municipality or county and state which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

was taken up.

And said Bill, H. B. 262, was read a third time at length and passed.

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Mitchem
Barron	Harrison	Lemaster	Robertson
Cook	Higginbotham	Little	Teague
deGraffenried	Holmes	Martin	Vaaca
Denton	Keener	McDonald	White
Glass			

—20

*Nays:*

—0

On motion of Mr. Lemaster, the Rules were suspended and the Bill:

H. 578. To amend Section 5 of Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties" and its employees therein, and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such amounts equal to accumulated sick leave to their respective county retirement systems if available; and to provide for the county governing body to hold such funds in trust for the options of payment or use.

was taken up.

And said Bill, H. B. 578, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Kirkland	Miller
Britnell	Gulledge	Lemaster	Mitchem
Callahan	Harrison	Little	Robertson
deGraffenried	Higginbotham	Martin	Weeks
Denton	Holmes	McDonald	

—18

*Nays:*

—0

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30th Day

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On motion of Mr. Martin, the Rules were suspended and the Bill:

H. 19. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

was taken up.

And said Bill, H. B. 19, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.	Goodwin	Little	Taylor
Barron	Gulledge	Martin	Teague
Cook	Hall	Miller	Weeks
Denton	Kirkland	Mitchem	White
Glass	Lemaster	Robertson	

—18

*Nays:* —0

On motion of Mr. Little, the Rules were suspended and the Bill:

H. 698. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide an effective date.

was taken up.

Ans said Bill, H. B. 698, was read a third time at length and passed.

Yeas 17; Nays 1.

*Yeas:*

Messrs.:	Hall	Kirkland	Smith
Callahan	Harrison	Little	Taylor
Denton	Higginbotham	Miller	Teague
Glass	Holmes	Mitchem	Vacca
Goodwin	Keener		

—17

*Nay:* Mr. Martin. —1

On motion of Mr. Little, the Rules were suspended and the Bill:

H. 622. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purposes to amend Code of Alabama 1975, Sections 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

was taken up.

And said Bill, H. B. 622, was read a third time at length and passed.

Yeas 17; Nays 1.

Yeas:

Messrs.:	Goodwin	Miller	Taylor	
Barron	Hall	Mitchem	Teague	
Britnell	Harrison	Robertson	Vacca	
deGraffenried	Higginbotham	Smith	White	
Denton	Little			—17

Nay: Mr. Weeks. —1

On motion of Mr. Little, the Rules were suspended and the Bill:

H. 151. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

was taken up.

And said Bill, H. B. 151, was read a third time at length and passed.

Yeas 18; Nays 1.

Yeas:

Messrs.:	Denton	Kirkland	Mitchem	
Barron	Goodwin	Lemaster	Pearson	
Britnell	Hall	Little	Taylor	
Callahan	Harrison	Martin	Teague	
deGraffenried	Holmes	Miller		—18

Nay: Mr. Weeks. —1

On motion of Mr. Kirkland, the Rules were suspended and the Bill:

H. 889. To designate the wild turkey as the official state game bird for the State of Alabama.

was taken up.

And said Bill, H. B. 889, was read a third time at length and passed.

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Yeas 18; Nays 0.

*Yeas:*

Messrs.	Goodwin	Lemaster	Taylor	
Barron	Hall	Little	Teague	
Callahan	Higginbotham	Martin	Weeks	
Cook	Holmes	Miller	White	
Glass	Kirkland	Parsons		—18

*Nays:* —0

On motion of Mr. Goodwin, the Rules were suspended and the Bill:

H. 96. To amend § 39-2-2 of the Code of Alabama 1975 to require competitive bidding on any contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

was taken up.

And said Bill, H. B. 96, was read a third time at length and passed.

Yeas 18; Nays 0.

*Yeas:*

Messrs.:	Gulledge	Little	Pearson	
Callahan	Harrison	Martin	Smith	
Cook	Holmes	Miller	Teague	
Glass	Kirkland	Mitchem	Weeks	
Goodwin	Lemaster	Parsons		—18

*Nays:* —0

On motion of Mr. Callahan, the Rules were suspended and the Bill:

H. 59. To provide that members of the national guard while on emergency state active duty may be possessed with the same legal authority as any other State Law enforcement officer, including but not limited to all law enforcement powers including powers of arrest.

was taken up.

**The Standing Committee on Judiciary reported the following amendment to the Bill, H. B. 59, to-wit:**

**COMMITTEE AMENDMENT TO H. B. 59**

Amend H. B. 59, the title, page 1, line 21, by striking the word "may" and inserting in lieu thereof the following:

and while actually performing a mission in connection with emergency state active duty, and when the Governor has declared that emergency powers are necessary, members of the national guard selected by the Adjutant General or his designated representative, shall

Also, amend Section 1, line 27, after the word "duty" by striking the words and figures", or otherwise called into active service of the state under authority of law," and insert in lieu thereof the following:

and the Governor has declared that emergency powers are necessary,

Also, in Section 1, line 29, amend by striking the word "may" and inserting in lieu thereof the following:

while actually performing a mission in connection with emergency state active duty shall

Also, on page 1, amend by deleting Section 2, and inserting a new Section 2 as follows:

Section 2. The Adjutant General or his designated representative shall select the number of troops with the proper type training to possess the powers and authority enumerated in Section One in order to accomplish the mission.

Which was adopted.

Yeas 8; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Higginbotham	Little	
Callahan	Hall	Kirkland	Teague	
Cook				—8

*Nays:* —0

On motion of Mr. Callahan, further consideration of the Bill, H. B. 59, as amended, was postponed temporarily.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bill and returns same herewith to the Senate:

S. 508. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Also:

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, and to repeal in part Section 40-12-10, Code of Alabama 1975.

Also:

H. 1033. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, as required by OMB Circulars A-95 and 102 engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of the Office of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Senate amendment to the following House bills:

H. 306. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1 1/2% and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

Also:

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

Also:

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of seven members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

JOHN W. PEMBERTON,  
Clerk.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, and House Joint Resolution, your signature thereto is requested.

H. 4. To make unlawful the obtaining or attempting to obtain public housing accommodations by means of false statement or other fraudulent scheme or device; to define "Public Housing"; to require notice of the act on applications for public housing accommodations; and to prescribe punishment for violation.

Also:

H. 13. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, which relates to exemptions from state sales taxes so as to exempt certain sales of lubricating oil destined for out-of-state use from such taxes.

Also:

H. 170. To amend Section 40-23-4 of the Code of Alabama 1975, as amended, so as to exempt the gross receipts of sales from state nurseries of forest tree seed and seedlings; in addition to forest tree seed and seedlings grown for commercial timber and game food purposes, *Lespedeza bicolor* and other species of perennial plant seed and seedlings grown and produced for outplanting as a source of game food are also exempted from taxation on the gross receipts from sales thereof.

Also:

H. 384. To amend Sections 32-6-60, 32-6-61, and 32-6-65, Code of Alabama 1975, regarding the issuance of motor vehicle license plates, so as to extend the period of use of the present license tag, alter the distribution



schedule, require machine prepared receipts, provide a fine for driving without a current plate, to capture the color of the motor vehicle in state and county records, and to repeal in part Section 40-12-10, Code of Alabama 1975.

Also:

H. 709. To amend Sections 40-4-5, 40-5-6, 40-5-14, 40-5-17, 40-7-19, 40-7-32 and 40-7-27, Code of Alabama 1975, relating to fees allowed tax assessors and/or tax collectors of this state for the following: for making demand on taxpayers for their list of property to be returned and for returns of property to "owner unknown", and for serving subpoenas for state witnesses or notices issued by order of the department of revenue or board of equalization; for making demand on delinquent taxpayers and for levy and sale of property; for the collection of delinquent taxes; for executing writs against the personal property of delinquent taxpayers who have left the county; for making demand against persons failing to make returns of taxable property; for making returns on escaped property; and for serving notice of delinquent property owners to show cause why a decree of sale should not be rendered; so as to increase the fees provided in said Sections, and to provide that all of the fees provided for in each of the sections amended by this act, when collected, shall be refunded to the fund or official paying the administrative costs of performing the functions for which said fees are provided.

Also:

H. J. R. 330. URGING THE BOARDS OF EDUCATION TO ADOPT A POLICY OF ALLOWING KINDERGARTENS TO HOLD TWO SESSIONS, ONE IN THE SPRING AND ONE IN THE FALL.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

#### MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bills, your signature thereto is requested.

H. 78. To make a supplemental appropriation to the Alabama State Bar, from the Bar Association Fund in the state treasury, for the fiscal year ending September 30, 1980, for the purposes of salaries and other expenses.

Also:

H. 305. To amend Sections 36-7-40 and 36-7-41, Code of Alabama, 1975, so as to increase from \$500.00 to \$750.00 the amount an employee shall be eligible to be reimbursed for job related moves or transfers.

Also:

H. 916. To amend Section 10 of Act No. 79-688, H. 540, 1979 Regular Session (Acts 1979, p. 1217), entitled "An Act Divesting the State Highway Department of certain county functions and duties in relation to roads and bridges in 'captive' counties, heretofore transferred to it, and revesting such functions in the county governing bodies of the captive counties; providing for the transfer of certain funds, equipment, property and material from the State Highway Department to the county governing bodies; and to provide for the effective date," so as to provide further for the alternative date of said act.

JOHN W. PEMBERTON,  
Clerk.

### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

### MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the following Senate Joint Resolution and returns same herewith to the Senate:

S. J. R. 239. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS, AND REPEALING ACT NO. 340, H. J. R. 88, 3RD SPECIAL SESSION 1971 (ACTS 1971, p. 4652).

JOHN W. PEMBERTON,  
Clerk.

### BILLS ON THIRD READING RESUMED

On motion of Mr. Proctor, the Rules were suspended and the Bill:

H. 669. To amend Section 13, paragraph 52 of Title 16, Code of Alabama, 1975 to provide that a minimum of 75 days shall constitute the first four scholastic months.

was taken up.

And said Bill, H. B. 669, was read a third time at length and passed.

Yeas 18; Nays 0.

Yeas:

Messrs.:	Gulledge	Little	Smith	
Barron	Hall	Martin	Taylor	
Callahan	Higginbotham	Miller	Vacca	
Denton	Holmes	Proctor	Weeks	
Goodwin	Kirkland	St. John		—18

Nays:

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

FURTHER CONSIDERATION OF H. B. 59

The Senate proceeded to further consideration of the Bill, H. B. 59, as amended.

MESSAGE FROM THE HOUSE

Mr. President:

The House has non-concurred in the Report of the Committee on Conference on the disagreement of the two Houses on the Bill:

S. B. 453. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two direct court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges, and to provide for the appropriation for such additional district judges.

and has requested that the present Conference Committee be discharged and a new Conference Committee appointed.

And the Speaker of the House has appointed as Conferees on part of the House Reps. Barton, Cooley and Kelley.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. deGraffenried, the Senate acceded to the request of the House that the Committee on Conference on the disagreement of the two Houses on the Conference Report on the Bill, S. B. 453, the title of which is set out in the foregoing Message from the House, be discharged and a new Conference Committee be appointed.

Yeas 10; Nays 0.

Abstaining 1.

*Yeas:*

Messrs.:	Hall	Martin	Taylor	
DeGraffenried	Lemaster	Miller	Vacca	
Goodwin	Little	Mitchem		—10

*Nays:* —0

*Abstaining:* Mr. St. John. —1

(The President and Presiding Officer of the Senate declared a quorum of the Senate present but not voting.)

And the President and Presiding Officer of the Senate has appointed as new Conferees on part of the Senate Messrs. Mitchem, Keener and deGraffenried.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has passed the following Senate Bills and returns same herewith to the Senate:

S. 592. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975, and providing for voting requirements for adoption or amendment of any plan, quorums, approval of subdivisions, and the passage of any question before the commission, other than the adoption or amendment of any plan where such alternate structure has been adopted.

Also:

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

Also:

S. 590. To amend Section 1 of Act No. 587, S. 659, Regular Session 1978 (Acts of Alabama 1978, p. 691) making an appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes so as to provide that certain funds may be transferred to the general fund of the Alabama Institute for the Deaf and Blind and may be expended for purposes other than capital outlay purposes.

Also:

S. 54. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

JOHN W. PEMBERTON,  
Clerk.

REPORT OF CONFERENCE  
COMMITTEE ON S. B. 507

We, the Committee on Conference appointed to reconcile the difference between the two houses concerning Senate Bill 507, have met, considered the bill as substituted, and have agreed to the following report:

We recommend that the Senate of Alabama and the House of Representatives concur in and adopt the following:

The attached Substitute Bill for S. B. 507.

Respectfully submitted,

ALVIS NARAMORE,

ANN BEDSOLE,

JOE R. CAROTHERS, JR.,

Conferees on the part of the House.

RYAN deGRAFFENRIED, JR.,

CHARLES B. MARTIN,

DEWEY WHITE, JR.,

Conferees on the part of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 507

A BILL  
TO BE ENTITLED  
AN ACT

To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama state law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

Be It Enacted by the Legislature of Alabama:

Section 1. The Alabama State Personnel Department's records reveal that other law enforcement agencies of Alabama compensate their personnel at a much higher rate than the Department of Public Safety at the Trooper level as well as supervisory level. Recognizing the qualifications, training and duties of our law enforcement personnel of the Department of Public Safety equals or exceeds the requirement for other agencies of the State, the Legislature does hereby appropriate out of the general fund for the fiscal year beginning October 1, 1980, the sum of \$2,500,000.00 to implement this act.

Section 2. The State Personnel Department shall increase the salaries of the following classifications of employees within the Department of Public Safety:

(a) Troopers, 18 percent, (b) Corporals, 18 percent, (c) Sergeants, 18 percent, (d) Lieutenants, 18 percent, (e) Captains, 18 percent, (f) Majors, 18 percent.

Section 3. The Director of the State Personnel Department shall revise the schedule of rates set forth in the pay plan for classes of employees enumerated in Section 2 subject to the merit system law to reflect this

increase herein provided and shall certify the same to the State Comptroller who shall issue his warrants in accordance therewith; provided however, that anyone receiving a salary increase under the provisions of this act shall not receive a salary increase under House Bill 571.

Section 4. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 5. All laws or parts of laws, general, local or special, in conflict with this act are hereby repealed.

Section 6. This act shall become effective on the beginning of the first state pay period beginning on or after October 1, 1980. It is specifically provided, however, that this act shall not affect the compensation of any officer or employee of any County even though the compensation of such officers was heretofore prescribed by a law, which based such compensation on or in some way related it to the compensation of one or more of the positions in the above listed classifications.

### CONFERENCE REPORT

On motion of Mr. Mitchem, the Senate concurred in and adopted the foregoing Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the House amendment to the Bill:

S. B. 507. To adjust salaries of Alabama State Troopers to bring those salaries to a level equaling the compensation received by Alabama State law enforcement personnel of other state agencies; to appropriate money to implement this act and to repeal conflicting law.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Robertson
Callahan	Harrison	Miller	St. John
Cook	Holmes	Mitchem	Smith
deGraffenried	Kirkland	Parsons	Teague
Goodwin	Lemaster	Pearson	White
Gulledge	Little	Proctor	

—22

*Nays:*

—0

### REPORT OF CONFERENCE COMMITTEE ON S. B. 453

We, the Committee on Conference appointed to reconcile the difference between the two Houses concerning Substitute for Senate Bill 453 have met, considered the matter, and agreed to the following report:

Conference Committee Substitute to Senate Bill 453 is attached.

PARK BARTON,  
STEVE COOLEY,  
PHIL KELLEY,

Conferees of the House.

RYAN deGRAFFENRIED, JR.,

LARRY KEENER,  
HINTON MITCHEM,

Conferees of the Senate.

CONFERENCE COMMITTEE SUBSTITUTE FOR S. B. 453

A BILL  
TO BE ENTITLED  
AN ACT

To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

Be It Enacted by the Legislature of Alabama:

Section 1. Section 12-17-61, Code of Alabama 1975, is hereby amended to read as follows:

"§ 12-17-61. Each county shall constitute a district and shall have one resident district judge, except that:

"(1) Baldwin, Madison, Etowah, Morgan, Talladega, Tuscaloosa and Walker Counties shall each have two resident district judges.

"(2) Montgomery County shall have three resident district judges.

"(3) Mobile County shall have four resident district judges.

"(4) Jefferson County shall have 12 resident district judges, who shall be nominated and elected in the manner provided by law for the nomination and election of circuit judges in the county. Three of such district judges shall serve in the Bessemer division and nine shall serve in the Birmingham division.

"(5) Calhoun and Cleburne Counties shall constitute a district and shall have three resident district judges who shall be elected and run at large from both counties.

"(6) Coosa and Clay Counties shall constitute a district and shall have one resident district judge who shall be elected and run at large from both counties."

Section 2. There is hereby created and shall be established immediately after the general election in 1980, the office of District Judgeship No. 2 of Tuscaloosa County, which shall be in addition to the one judgeship now existing. The existing judgeship shall be designated District Judgeship No. 1. The first judge of said additional District Judgeship No. 2 of Tuscaloosa County shall be elected at the general election in 1980 in the manner provided by law and such judge shall hold office until a successor has been elected at the next regular election for district judges and has qualified. Thereafter, successors shall be elected at the same time and for the same term prescribed by law for the other district judge.

Section 3. The judge of said District Judgeship No. 2 shall have and exercise all of the jurisdiction, powers, rights and authority and possess all the qualifications, perform all the duties, and be subject to the pains, obligations and penalties that other district judges may be subject to exercise and perform. The additional district judge provided for in this Act shall receive the same salary and supplements payable in the same manner as the existing district judge of Tuscaloosa County.

Section 4. There is hereby appropriated the sum of \$48,778 for the fiscal year 1980-81 from the general fund of Alabama for the support and maintenance of the office of District Judgeship No. 2 of Tuscaloosa County.

Section 5. The provisions of this Act are severable. If any part of the Act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 6. All laws or parts of laws which conflict with this Act are hereby repealed.

Section 7. This Act shall become effective October 1, 1980, upon its passage and approval by the Governor, or upon its otherwise becoming a law.

### CONFERENCE REPORT

On motion of Mr. deGraffenried, the Senate concurred in and adopted the foregoing new Report of the Committee on Conference appointed to reconcile the differences of the two Houses on the previous Conference Report on the Bill:

S. B. 453. To amend section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County, two judges for Cullman County, two judges for Marshall County, and to provide for the appointment of such additional district judges, and to provide for the appropriation for such additional district judges.

Yeas 15; Nays 0.

*Yeas:*

Messrs.:	Goodwin	Lemaster	Mitchem	
Cook	Hall	Little	St. John	
deGraffenried	Holmes	Martin	Taylor	
Denton	Keener	Miller	Teague	
				—15

*Nays:* —0

(The President and Presiding Officer of the Senate declared a quorum present but not voting.)

### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

JOHN W. PEMBERTON,  
Clerk.

### HOUSE MESSAGE

On motion of Mr. Little, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 116, the title of which is set out in the foregoing Message from the House, to-wit:



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HOUSE AMENDMENT TO S. B. 116

Amend Senate Bill 116, Section 1, sub-section "(2)", on page 1, line 32 of said bill, by striking the semicolon; and following the word intestate and inserting in lieu thereof a period.

Further amend Senate Bill 116, Section 1, sub-section "(2)", page 1, line 32 of said bill, by striking the words following the word intestate, which read;

provided that the surviving spouse shall not be entitled to take under this act if he or she has abandoned and lived continuously apart from the deceased for a period of time exceeding twelve calendar months immediately preceding the death of the intestate.

Yeas 19; Nays 0.

*Yeas:*

Messrs.:	Figures	Miller	Smith
Barron	Hall	Mitchem	Teague
Callahan	Holmes	Pearson	Vacca
deGraffenried	Kirkland	Proctor	Weeks
Denton	Little	Robertson	White

—19

*Nays:*

—0

MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 342. To amend Section 16-7-2 and Section 16-7-5, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven persons, one to be from of the congressional districts of the State, and to confer the Commission power to operate a public radio station or stations.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Pearson, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 342, the title of which is set out in the foregoing Message from the House, to-wit:

HOUSE AMENDMENT TO S. B. 342

Amend Senate Bill 342 in the title on line 25 after the word "from" by inserting the word: each

Yeas 20; Nays 0.

*Yeas:*

Messrs.:	Kirkland	Parsons	Smith
Callahan	Lemaster	Pearson	Teague
deGraffenried	Little	Proctor	Vacca
Goodwin	Miller	Robertson	Weeks
Gulledge	Mitchem	St. John	White
Hall			

—20

*Nays:*

—0

## MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 44. To amend further Section 11-6-2 of the Code of Alabama 1975, as amended, which relates to the qualifications of county engineers, so as to provide further for the qualifications of the county engineer in certain counties of this state.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

Mr. Gullledge moved that the Senate concur in the following House amendment to the Bill, S. B. 44, the title of which is set out in the foregoing Message from the House, to-wit:

## HOUSE AMENDMENT TO S. B. 44

Amend Page 2, Line 5, by adding the following at the end of the line: Wilcox, Jackson, DeKalb.

## HOUSE AMENDMENT TO S. B. 44

Amend S. 44 as follows.:

On page one in the Synopsis in lines 10 and 11 delete the words "Baldwin and Washington Counties" and insert in lieu thereof the words: certain counties

On page two in line 5 after the word "Etowah" add the word: St. Clair and Talladega

On motion of Mr. Lemaster, further consideration of the House amendment to the Bill, S. B. 44, was postponed temporarily.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Ray:

H. J. R. 345. COMMENDING THE TROY STATE BASEBALL TEAM ON ITS OUTSTANDING SEASON.

JOHN W. PEMBERTON,  
Clerk.

## HOUSE MESSAGE

On motion of Mr. Miller, the Rules were suspended and the Resolution, H. J. R. 345, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The House has originated and adopted the following House Joint Resolution and sends same herewith to the Senate for its consideration:

By Rep. Smith (C):

H. J. R. 325. COMMENDING THE UNIVERSITY OF MONTEVALLO FOR INITIATING A MODEL ENERGY CONSERVATION PROGRAM.

JOHN W. PEMBERTON,  
Clerk.

HOUSE MESSAGE

On motion of Mr. Proctor, the Rules were suspended and the Resolution, H. J. R. 325, set out in the foregoing Message from the House, was concurred in and adopted by the Senate.

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 19. To amend Section 17-6-1 of the Code of Alabama 1975 relating to election officers so as to exclude members of a candidate's immediate family or any member of a candidate's political committee as prescribed by Section 17-22-5 of the Code of Alabama 1975 from serving as poll workers or election officials.

Also:

H. 151. To provide for a State Parent Locator's office in the Department of Pensions and Security for the location of absent parents who fail to support their children, and to define certain duties of said office.

Also:

H. 179. To amend § 27-27-40 so that both stock and mutual insurers shall be treated equally and in the same manner, with the use of surplus notes, to prohibit the value of surplus notes to be the single standard in valuing assets.

Also:

H. 262. To require reimbursement to the municipality or county and state which expended public funds for the training of law enforcement officers if such officers are employed by another state, county or municipal agency within twelve months after completion of the training; establishing procedures.

Also:

H. 417. To provide that any person who held a classified merit or civil service position that was relinquished to accept a non-merit appointment within the same agency shall be returned to permanent status in the relinquished classification if that person so chooses.

Also:

H. 578. To amend Section 5 of Act No. 79-688, H. 540, Regular Session 1979 (Acts 1979, p. 1217), which act divests the state highway department of certain duties relating to the construction, maintenance and repair of public roads in certain counties previously known as "captive counties" and its employees therein, and which revests such duties in the respective county governing bodies, so as to authorize certain persons who are transferred from state employment to elect, at their discretion, to either be paid for their accumulated sick leave as is provided in Section 36-26-36, Code of Alabama 1975, or to transfer such amounts equal to accumulated sick leave to their respective county retirement systems if available; and to provide for the county governing body to hold such funds in trust for the options of payment or use.

Also:

H. 622. Relating to absentee voting; to alter the procedure for same; to provide further for absentee voting by physically disabled persons and election officers; to prescribe a form for absent voter oaths; to provide further for receiving and counting absentee ballots; to prohibit certain acts and provide penalties therefor; to increase penalties for certain existing crimes; and for such purpose to amend Code of Alabama 1975, Sections 17-10-4, 17-10-5, 17-10-6, 17-10-7, 17-10-8, 17-10-9, 17-10-10, 17-10-11, 17-10-12 and 17-10-17.

Also:

H. 605. To amend sections 40-9-19 and 40-9-21 of the Code of Alabama 1975, relating to homestead exemptions and an ad valorem tax exemption on the principal residences of totally disabled persons or persons 65 years of age or older, so as to prescribe further the amount of exemption and the amount of acreage for such exemption.

Also:

H. 1033. To establish the Office of State Planning and Federal Programs; to provide for the efficient coordination of and cooperation in the programs of the various governmental agencies, political subdivisions of the state, private groups and institutions, as required by OMB Circulars A-95 and 102 engaged within this state in promoting the human, economic and physical resources of the state or in the several regions or areas thereof; to provide for the efficient and coordinated procurement and use by state governmental agencies, political subdivisions of the state, instrumentalities, and institutions of loans, grants, and other forms of assistance from the federal government; to provide for the appointment of the Director of the Office of State Planning and Federal Programs and the employees of the Office of State Planning and Federal Programs; to define the powers and duties of the Office of State Planning and Federal Programs; to provide for the compensation and benefits of said employees; to transfer to the Office of State Planning and Federal Programs all functions, powers, authority and duties and all the books, records, supplies, equipment, personnel, and property and assets of whatsoever nature, heretofore had, exercised, used or employed by the Alabama Development Office in the pursuit of the functions herein delineated, including: 1) state planning and programming; 2) proposing or designating areas for the purposes of administering programs which receive aid under federal acts in various political subdivisions or regions; and 3) area-wide planning, review and advise on projects, coordination, and informational

services for state and federal grant-in-aid programs; to specifically state the legislative intent is to maintain and retain all the powers, duties, responsibilities, personnel, property and assets of whatsoever nature, not involved in federal programs and federal grants and federal assistance, in the Alabama Development Office, and in the director of the Alabama Development Office, as the case may be, and that Alabama Development Office shall retain all of its authority, powers, duties, responsibilities, and functions for industrial development; to prescribe that the governor shall have certain duties, powers, and responsibilities therefor; to repeal all laws and parts of laws in conflict with this act.

Also:

H. 698. To establish a student assistance program in the State of Alabama to be known as the Alabama Guaranteed Student Loan Program, which will guarantee loans made by approved lenders to residents of Alabama who are attending or plan to attend eligible institutions in the State or elsewhere, for the purpose of assisting them in meeting educational expenses; to set forth legislative findings and purposes underlying the Program; to designate the Alabama Commission on Higher Education to administer the program; to vest the Alabama Commission on Higher Education with the powers and duties reasonably needed for the effective implementation and administration of the Program; to provide for periodic auditing of approved institutions; to provide a penalty for false statements or misrepresentation in connection with the program; to establish continuance of the Program; to designate the Attorney General as legal counsel for the Program; to authorize a total sum of no more than Two Hundred and Fifty Thousand Dollars (\$250,000.00) to be transferred from the Alabama Student Assistance Program; to provide for severability; to repeal conflicting laws; and to provide for severability; to repeal conflicting laws; and to provide an effective date.

Also;

H. 96. To amend § 39-2-2 of the Code of Alabama 1975 to require competitive bidding on my contract for a public improvement involving an amount in excess of \$2,000.00 instead of \$500.00.

Also:

H. 889. To designate the wild turkey as the official state game bird for the State of Alabama.

JOHN W. PEMBERTON,  
Clerk.

#### SIGNING OF BILLS

The President of the Senate, in the presence of the Senate after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills, the titles of which are set out in the foregoing Message from the House.

#### REPORT FROM RULES

Mr. McDonald, Chairman of the Standing Committee on Rules, reported that said Committee, in Session, had acted on the following Communication from the Superintendent of Education and ordered same returned to the Senate with a favorable report, to-wit:

Certification of election of Mr. T. Massey Bedsole, Mrs. Martha H. Simms, Mr. Thomas E. Rast and Mr. Samuel Earle G. Hobbs to the Board of Trustees of the University of Alabama

On motion of Mr. Pearson, consideration of the confirmation of the above named members of the Board of Trustees of the University of Alabama was postponed temporarily.

#### MESSAGE FROM THE HOUSE

Mr. President:

The House has amended as therein shown and, as amended, has passed the following Senate bill and returns same herewith to the Senate.

S. 414. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health under the supervision of the State Board of Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

JOHN W. PEMBERTON,  
Clerk.

#### HOUSE MESSAGE

On motion of Mr. White, the Senate concurred in and adopted the following House amendment to the Bill, S. B. 414, the title of which is set out in the foregoing Message from the House, to-wit:

#### HOUSE AMENDMENT TO S. B. 414

Amend S. B. 414, by striking the word supervision and inserting in lieu thereof the word direction on page 1, line 16; page 2, line 9, page 2, Section 3, line 35; page 3, Section 4, line 21, page 3, Section 5, line 27.

#### HOUSE AMENDMENT TO S. B. 414

Amend S. B. 414, on page 4, line 12, by striking Section 8 in its entirety and substituting in lieu thereof the following:

All laws or parts of laws which conflict with this Act are hereby repealed with the exception of those listed in Title 22, Code of Alabama, 1975, and any other public health laws relating to the State and County Health Departments.

#### HOUSE AMENDMENT TO S. B. 414

Amend S. B. 414, on page 3, Section 5, line 31, by adding after the period (.) the following:

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No funds of the State Department of Public Health shall be used for the cost of any reports or any function of any of the committees named in Section 3.

Yeas 22; Nays 0.

*Yeas:*

Messrs.:	Hall	Martin	Smith
Callahan	Harrison	Mitchem	Taylor
Cook	Holmes	Pearson	Vacca
deGraffenried	Kirkland	Proctor	Weeks
Goodwin	Lemaster	Robertson	White
Gulledge	Little	St. John	

—22

*Nays:* —0

MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolution, your signature thereto is requested.

H. 1034. To abolish the state industrial board and to transfer certain of its powers, duties, functions and authority, together with records, property and funds and assets of whatsoever nature, to the Alabama industrial development advisory board; to create the Alabama industrial development advisory board and to provide for the powers, authority, appointment, terms, removal from office, and compensation of the members of such board; to provide that the board will consist of nine members at-large, appointed by the governor who shall be the chairman thereof; to provide that the board shall advise and consult with the governor and director of Alabama development office relative to industrial and commercial development and programs therefor, including facilitation of foreign investment within the state; to transfer to the Alabama industrial development advisory board those duties and powers prescribed in Section 41-9-183 of the Code of Alabama, 1975, except those prescribed for the office of state planning and federal programs by legislative act; to amend Section 41-9-184 of the Code of Alabama, 1975, relating to the bureau of publicity and information, so as to require the director to cooperate in matters of economic expansion and promotion with the Alabama industrial development advisory board and the director of Alabama development office; and to repeal conflicting laws.

Also:

H. J. R. 341. NAMING THE INDUSTRIAL TRAINING CENTER NEWLY CONSTRUCTED AT BESSEMER STATE TECHNICAL COLLEGE, "MILLSAP INDUSTRIAL TRAINING CENTER"

JOHN W. PEMBERTON,  
Clerk.

SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolution, the titles of which are set out in the foregoing Message from the House.

## MESSAGE FROM THE HOUSE

Mr. President:

The House has concurred in and adopted the Report of the Committee on Conference on the disagreement of the two Houses on the House amendment to the bill:

S. 453. To amend Section 12--17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

And said bill as thus amended by the report of the Committee on Conference was again read at length and passed.

And said bill, together with the Report of the Committee on Conference, is herewith returned to the Senate.

JOHN W. PEMBERTON,  
Clerk.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, your signature thereto is requested.

H. 306. To amend Sections 25-4-132 and 25-4-133, Code of Alabama 1975, as last amended, relating to the Alabama Unemployment Compensation Act, to increase the rate of interest on delinquent contributions from 1% to 1½ % and authorize the director to establish by regulation, and assess in accordance therewith, a penalty against any employer who fails to pay contributions on or before established due dates, and a penalty of not more than \$500 against any employer who fails, within the time prescribed, to file any reports required by law, rule or regulation.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after its title had been publicly read at length by the Secretary of the Senate, signed the foregoing bill the title of which is set out in the foregoing Message from the House.

REPORT OF  
COMMITTEE ON RULES

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in session, has compared the following enrolled Senate Bills and Senate Joint Resolution with the original Senate Bills and Senate Joint Resolution respectively, and finds same correctly enrolled, to-wit:

S. 258. To amend Section 12-17-251, Code of Alabama 1975, to allow persons who were serving as full-time magistrates or warrant clerks on September 1, 1976, to issue search warrants.



Also:

S. 540. To provide a 16% increase in the state compensation payable to certain personnel in public education.

Also:

S. 508. To amend Section 41-5-24, Code of Alabama 1975, which provides for the disposition of money received by the Department of Examiners of Public Accounts, so as to permit the Department to receive and retain monies and grants from the federal government.

Also:

S. J. R. 239. CREATING A JOINT LEGISLATIVE COMMITTEE ON APPORTIONMENT ACCORDING TO THE 1980 UNITED STATES CENSUS, AND REPEALING ACT NO. 340, H. J. R. 88, 3RD SPECIAL SESSION 1971 (ACTS 1971, P. 4652).

Also:

S. 467. To authorize and make provision for the incorporation of the Alabama Agricultural Development Authority; to provide for the directors of the Authority and their compensation; to provide for the powers, authorities and duties of the Authority and its board of directors; to establish a Legislative Oversight Committee and to provide for the appointment of its members and the payment of their expenses; to authorize the Authority to make loans to others for the purpose of acquiring, by purchase, construction or otherwise, land, any building or other improvement thereon or thereto, and any personal properties necessary or suitable for use in farming, ranching, the production of agricultural commodities (including the products of aquaculture and silviculture) or the treating, processing or storing of such agricultural commodities when such activities are customarily engaged in by farmers as a part of farming, such loans to be secured or evidenced by such mortgages, deeds of trust, notes, debentures, bonds or other secured or unsecured evidences of indebtedness as the board of directors of the Authority may determine; to purchase or to make commitments to purchase mortgages, deeds of trust, notes, bonds or other secured or unsecured debt obligations or portions thereof or participations therein, executed by the obligors thereon to obtain funds with which to acquire, by purchase, construction or otherwise, reconstruct or improve such facilities; to authorize the Authority to contract with others to originate or service any loans made by it or mortgages or other instruments purchased by it; to authorize the Authority to foreclose such mortgages or other instruments, sell the equity of redemption in such security interests and purchase the equity of redemption of the grantor of the said security interests; to authorize the Authority to receive and accept aid or contributions for furtherance of any of its purposes; to authorize the Authority to collect fees and charges in connection with its activities; to authorize the Authority to sell at public or private sale, with or without public bidding, any mortgage or other instrument held by it; to authorize the Authority to procure various types of insurance and guarantees; to authorize the Authority to borrow money for any of its corporate purposes; to provide for the issuance by the Authority for any of its corporate purposes of interest-bearing revenue bonds and other interest-bearing securities, payable solely out of the revenues and receipts derived from or referable to loans made by the Authority, any mortgages or other instruments purchased by the Authority, and from any of its other property; to provide that such securities shall, under certain circumstances, constitute negotiable instruments; to provide that

such securities may be secured by a pledge of the revenues and receipts from which they are payable, by contracts binding the Authority for the proper application of its revenues and of the proceeds of such securities, and by mortgages and deeds of trust and trust indentures on the property out of the revenues from which such securities are payable; to provide for the use of the proceeds of any securities issued by the Authority; to provide for the refunding, by the issuance of such securities of the Authority, of securities theretofore issued or obligations theretofore assumed by it; to provide that such securities issued and contracts entered into by the Authority pursuant to this Act shall not constitute or create a debt of the State; to make the securities issued by the Authority eligible investments for securities issued by the Authority eligible investments for fiduciaries; to make the securities issued by the Authority eligible securities which may be given as security for the deposit of State funds; to provide for the employment by the Authority of such officers, employees and agents as its business may require; to provide for the investment of funds of the Authority; to authorize the Authority to enter into contracts for the management of any of its properties; to authorize the sale or conveyance, with or without consideration, by the Authority of any of its properties; to exempt the property and income of the Authority, and all securities issued by the Authority and the income from such securities, and conveyances, leases, mortgages and deeds of trust to which any such Authority is a party, from all taxation in the State; to exempt the Authority from all taxes, including license and excise taxes, levied by any county, municipality, or other political subdivision of the State, and to exempt the Authority from payment of certain charges to Judges of Probate; to exempt the Authority from all laws of the State governing usury or prescribing or limiting interest rates; to exempt the Authority from the supervision and control of State agencies, in particular the State Department of Finance; to provide that the directors, officers and employees of the Authority shall be subject to the Alabama Ethics Law and to the rules and promulgations by the Alabama Ethics Commission; and to provide for the dissolution of the Authority and the disposition of its property.

Also:

S. 315. To make annual appropriations for the support, maintenance and development of public education in Alabama and for debt service and capital improvements for the fiscal year ending September 30, 1981.

Also:

S. 54. To amend Section 36-27-23, Code of Alabama 1975, which provides for the general administration and responsibility for the proper operation of the state employees' retirement system, so as to provide further for said general administration and responsibility for proper operation.

Also:

S. 590. To amend Section 1 of Act No. 587, S. 659, Regular Session 1978 (Acts of Alabama 1978, p. 691) making an appropriation from the Alabama Special Educational Trust Fund to the Alabama Institute for the Deaf and Blind for capital outlay purposes so as to provide that certain funds may be transferred to the general fund of the Alabama Institute for the Deaf and Blind and may be expended for purposes other than capital outlay purposes.

Also:

S. 592. Relating to Class 3 municipalities; authorizing the governing body of any such municipality to adopt an alternate structure for any planning commission created pursuant to Section 11-52-3, Code of Alabama 1975,

and providing for voting requirements for adoption or amendment of any plan, quorums, approval of subdivisions, and the passage of any question before the commission, other than the adoption or amendment of any plan where such alternate structure has been adopted.

Also:

S. 405. To authorize county and municipal governments in Alabama to appropriate funds to Community Action Agencies.

Also:

S. 116. To amend Section 43-3-1 of the Code of Alabama 1975, which provides for the descent and distribution of real estate of an intestate, so as to change the order of succession.

Also:

S. 342. To amend Section 16-7-2 and Section 16-7-5, Code of Alabama, 1975, to expand the membership of the Alabama Educational Television Commission from five to seven persons, one to be from each of the congressional districts of the State and to confer upon the Commission power to operate a public radio station or stations.

Also:

S. 453. To amend Section 12-17-61, Code of Alabama 1975, relating to the number of district court judges, so as to provide two district court judges for Tuscaloosa County and to provide for the time of establishment of such judgeship No. 2 and for the election of such additional district judge.

Also:

S. 414. To establish the Alabama Perinatal Health Act; to define perinatal; to provide that such perinatal care programs are designed to reduce infant mortality and handicapping conditions; to provide that such programs shall be based on the levels of care concept of regionalization; to provide cooperation between state, local and private health care services for the purposes of low cost prevention-oriented perinatal care; to provide that the Bureau of Maternal and Child Health under the supervision direction of the State Board of Health, the State Health Planning and Development Agency, the State Health Coordinating Council, the Health Systems Agencies, the Alabama Council on Maternal and Infant Health and the Regional and State Perinatal Advisory Committee shall develop certain plans or programs relative to perinatal care; to prescribe certain responsibilities and authority for the said agencies and the State Board of Health and other state agencies; to provide for the manner of allocation of certain funds and the purposes therefor.

ALBERT McDONALD,  
Chairman.

#### SIGNING OF BILLS AND RESOLUTIONS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bills and Senate Joint Resolution, the titles of which are set out in the foregoing report from the Committee on Rules.

## MESSAGE FROM THE HOUSE

Mr. President:

The Speaker of the House having signed the following House Bill, and House Joint Resolutions, your signature thereto is requested.

H. 669. To amend Section 13, paragraph 52 of Title 16, Code of Alabama, 1975 to provide that a minimum of 75 days shall constitute the first four scholastic months.

Also:

H. J. R. 325. COMMENDING THE UNIVERSITY OF MONTEVALLO FOR INITIATING A MODEL ENERGY CONSERVATION PROGRAM

Also:

H. J. R. 345. COMMENDING THE TROY STATE BASEBALL TEAM ON ITS OUTSTANDING SEASON.

JOHN W. PEMBERTON,  
Clerk.

## SIGNING OF BILLS

The President of the Senate, in the presence of the Senate, after the reading thereof at length had been dispensed with by a two-thirds vote of a quorum of the Senate present, and immediately after their titles had been publicly read at length by the Secretary of the Senate, signed the foregoing bill and House Joint Resolutions, the titles of which are set out in the foregoing Message from the House.

## REPORT OF SECRETARY

Mr. President:

In accordance with the provisions of Joint Rule 5 of the Senate and House of Representatives, I respectfully report the following Senate Joint Resolutions and Senate Bills delivered to the Governor, with the date and hour of delivery, to-wit:

S. B. 77  
S. B. 170  
S. B. 196  
S. B. 197  
S. B. 210  
S. B. 217  
S. B. 247  
S. B. 357  
S. B. 490  
S. B. 510  
S. B. 558  
S. B. 339

Delivered to the Governor, May 19, 1980, at 11:32 A.M.

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S. B. 193

S. B. 553

S. J. R. 213

S. J. R. 216

S. B. 73

S. B. 354

Delivered to the Governor, May 19, 1980, at 4:55 P.M.

S. B. 123

S. B. 130

S. B. 376

S. B. 380

S. B. 397

S. B. 544

S. B. 567

S. B. 568

S. B. 569

S. B. 577

S. B. 593

S. B. 599

S. B. 603

S. B. 606

S. B. 607

S. B. 608

S. B. 609

S. B. 612

S. B. 611

S. B. 613

S. B. 615

S. B. 618

S. B. 621

S. B. 622

S. B. 625

Delivered to the Governor, May 19, 1980, at 9:50 P.M.

S. B. 1  
S. B. 367  
S. B. 377  
S. B. 512  
S. B. 533  
S. B. 542  
S. J. R. 225  
S. B. 403  
S. B. 404  
S. B. 434  
S. B. 15  
S. B. 57  
S. B. 126  
S. B. 139  
S. B. 210  
S. B. 252  
S. B. 354  
S. B. 383  
S. B. 505  
S. B. 557  
S. B. 591  
S. B. 610  
S. B. 627  
S. J. R. 54  
S. J. R. 218  
S. J. R. 226  
S. J. R. 227  
S. B. 8  
S. B. 91  
S. B. 196  
S. B. 213  
S. B. 339  
S. B. 529

S. B. 357  
S. B. 258  
S. B. 540  
S. B. 508  
S. J. R. 239  
S. B. 467  
S. B. 315  
S. B. 54  
S. B. 590  
S. B. 592  
S. B. 405  
S. B. 116  
S. B. 342  
S. B. 453  
S. B. 414

Delivered to the Governor, May 19, 1980, at 11:59 P.M.

McDOWELL LEE,  
Secretary.

#### SECRETARY'S REPORT

The foregoing report of the Secretary was read and ordered spread upon the Journal.

#### REPORT OF COMMITTEE ON RULES ON REVISION OF THE JOURNAL

Mr. President:

Your Standing Committee on Rules begs leave to report that said Committee, in Session, has carefully examined the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days and finds same correct and containing all original entries and references thereto required by the Constitution.

ALBERT McDONALD,  
Chairman.

#### COMMITTEE REPORT

On motion of Mr. McDonald, the foregoing report was concurred in and the Journals of the Senate for the Twenty-Ninth and Thirtieth Legislative Days were approved by the Senate.

#### ADJOURNMENT

The hour of Midnight having arrived, on motion of Mr. St. John, in accordance with Joint Resolution heretofore adopted, the Senate adjourned sine die.

McDOWELL LEE,  
Secretary of Senate.

**IN THE LEGISLATURE OF THE STATE OF ALABAMA**  
**STATE SENATE**  
**REGULAR SESSION, 1980**  
**LOBBYIST REGISTRATION**

(In accordance with the provisions of Joint Rules of the two  
houses of the Alabama Legislature, Rules 15-23)

- Akel, Mary Jane, Alabama Education Association.
- Alexander, Dan C., Taxpayers Education Lobby.
- Allison, Claude F., Alabama LP Gas Association.
- Amos, Doug, Alabama League of Savings Association.
- Amsler, James Robert, Jr., Montgomery Firefighters Association.
- Argo, J. Knox, American Insurance Association; Tobacco Institute; Motion Picture Company of America; Blue Cross-Blue Shield.
- Arrington, Richard H., Southern Railway Company.
- Avinger, C. E., Alabama Bankers Association.
- Bailey, George F., Alabama Railroad Association.
- Bailey, Melvin A., Continental Telephone Company of South.
- Balch, S. Eason, Jr., Alabama Power Company.
- Baliard, Charlotte Diane, Max Cooper, CLP.
- Banks, P. H. "Pat", National Federation of Independent Business.
- Baril, Eugene A., General Telephone Co. of the Southeast.
- Barker, Elizabeth A., Alabama State Nurses Association.
- Baskerville, Lezlee Jo, Alabama Citizens for Life.
- Bates, C. W., United States Pipe and Foundry Co.; Jim Walter Resources.
- Beck, George, Alabama Trial Lawyers.
- Benton, J. Robert, Wine Institute.
- Bethea, Joseph P., Chevron U.S.A. Inc. and its parent corporation, Standard Oil Co. of California and subsidiaries.
- Black, Diane, Alabama Hospital Association.
- Bonds, Frank L., Southern Bancorporation.
- Boone, Robert C., Gulf Oil Corporation.
- Brand, James B., Associated Industries of Alabama.
- Brantley, Tom, The Dow Chemical Company.
- Brewer, Denny H. (Jack) Jr., Olin Corporation.
- Brindley, Joe, University of Montevallo.



Britton, James J., Alabama Chamber of Commerce.

Brock, Bettie B., Marshall Meadows, President, Steelworkers Legislative Committee.

Brock, Harry B., Jr., Central Bancshares of the South Inc.

Brown, David C., University of North Alabama.

Burke, Charles W., Distilled Spirits Council of U.S., Inc.

Burks, A. A., Alabama A & M University.

Burns, Charles J., Alabama Association of Cemeteries.

Burrell, Richard J., Household Finance Corporation.

Caddell, Henry H., Legal Services Corporation of Alabama.

Camp, Billy Joe, Self, Asbestos Workers Union, Hogan, Smith, Alspaugh, Alabama Trial Lawyers Assn.

Carr, Bruce, Laborers International Union.

Casey, John S., Alabama Railroad Association.

Chamberlain, Richard D., Alabama Credit Union League.

Chamlee, Al S., Ciba-Geigy Corp.

Chastain, Lamar F., Marshall Meadows, President, Steelworkers Legislative Committee.

Chestnutt, William F., Union Camp Corporation.

Clarkson, Beth, Self.

Cloud, John W., Self.

Cobb, William J., South Central Bell.

Cousins, John L., Alabama Hairdressers and Cosmetologist Association, Inc.; Fraternal Order of Police; Jefferson County Fraternal Order of Police Association; Self.

Crawford, Bobby J., Alabama Power Company.

Crawford, Fred C., Alabama Hospital Association.

Crowe, Warren B., III, Alabama Independent Insurance Agents.

Cunningham, R. J., Alabama Association of Life Underwriters; Alabama Hotel & Motel Association; Alabama Travel Council; Alabama Association of Radio; Prof. Agents of Alabama; Alabama Crushed Stone Association; Alabama Surface Mining Environmental Association.

Dakin, Milo, Alabama Consumer Finance Association.

Dansby, George E., Brotherhood of Locomotive Engineers.

Darden, David L., Self.

Dart, Thomas R., Alabama Petroleum Council.

Davidson, Rudolph, University of Alabama In Birmingham.

Dawkins, Joe M. II, Viletta Agee; Joe Dawkins, II; Coalition Against Hunger; Clients of Legal Services.

Deal, David B., Self.

Delahay, Margaret E., Mental Health Association.

DeVall, Wilbur B., A. A. U. P., Alabama State Conference.

DeVaughn, Sherry, A., Self.

Dexter, Kendall P., MacMillan-Bloedez, Inc.

Dobbs, J. Chris, Exxon Co., U.S.A.

Dolbare, Jeffery Blane, Alabama Education Association.

Dorrill, John H. Jr., Alabama Farm Bureau Federation.

Douglas, Cynthia Nettles, Self.

Douglas, Jack F., Alabama Council on Alcohol Problems, Inc.

Dowdy, Cecil Edward, Creative Displays, Inc.

Driver, Marvin, Montgomery County Tax Assessor.

Dutton, Ray Braxton, Self.

Eden, Tom, Alabama Textile Manufacturers Association.

Edwards, Bill, Alabama Coalition Against Hunger.

Edwards, Ray, Deere & Company.

Englehardt, Sam, Alabama Power Company.

Entrekin, C. L., United Steelworkers of America.

Kepperson, Bruce K., Birmingham Retired Officers Association.

Estes, Thomas R. Sr., Self.

Farish, Preston T., Alabama A & M University.

Finley, Robert, Alabama Department of Public Health.

Fisher, Robert E., Fraternal Order of Police

Flanagan, N. H., United Transportation Union.

Ford, Paul B., Self.

Foshee, Glen C., Montgomery Firefighters Association No. 1444.

French, Fran, Alabama State Conference—American Association of University Professors.

Gallion, Thomas T., III, The Alliance.

Gamble, James F., National Guard Association of Alabama.

Ganaway, John, Birmingham Fire Fighters Association.

Gibbs, Dail, Alabama Rural Electric.

- Gibson, Don, Troy State University.
- Gilbert, Don, Independent Bankers.
- Goodroe, Ervin W., Building Material Merchants' Association.
- Grabney, Helen, Hair Dressers Association.
- Grant, Dr. Wm. Harold, Dr. Harry M. Philpott, President.
- Gray, James A., Alabama Road Builders, Inc.
- Green, William L., Alabama By-Products Corporation.
- Greene, John "Scotty", City of Birmingham.
- Hallam, Philip G., Alabama Wholesale Beer & Wine Association.
- Hamilton, D. N., Alabama League of Municipalities; Am. Rec. Ins. Assn.;  
Jim Walter Corporation; Car & Trucking Leasing Association of Alabama.
- Hamilton, Michael R., Alabama Education Association.
- Hamner, Sarah, Alabama Hairdresser & Cosmetologist Association.
- Hardin, James Taylor, Central Bancshares of the South; 3 M Corporation.
- Harper, Robert, Birmingham Regional Hospital Council.
- Harris, Bob, Municipal Electric Utilities Association.
- Harris, Patrick, Unified Judicial System.
- Haisten, Florette, University of Alabama, Huntsville.
- Hale, Glen, Birmingham Fire Fighters Local 117.
- Hale, Morris Gresham, Alabama Education Association.
- Hawkins, John H., Alabama Power Company.
- Head, Holman, Alabama Chamber of Commerce.
- Hildebrand, J. Bruce, Alabama Asphalt Paving Association.
- Hill, Mrs. Joe, Self.
- Holsenbeck, Dan, Auburn University in Montgomery.
- Horne, John, Alabama Rural Electric.
- Hubbert, Paul, Alabama Education Association.
- Hydrick, Robert T., The Mead Corporation.
- Ireland, Dennis L. ALCAP.
- Jones, D. Paul, Jr., Central Bancshares of the South Inc.
- Jones, Fred R., Alabama Manufactured Housing, Inc.; Alabama State  
Chiropractic Association.
- Jones, William R., University of Alabama.
- Johnson, John B., Alabama Petroleum Council.

- Johnston, J. Reese, Jr., Jefferson County.
- Katz, Jane L., Coalition Committee for Social Work Licensure.
- Kelly, H. Boyd, Jr., Alabama Forestry Association.
- Knight, Vernon D., Alabama Optometric Association.
- Knipe, William A., Retired State Employees; Self.
- Lambert, Ealon M., Reynolds Metals Company.
- Lambert, Wayne F., Alabama Bankers Association.
- Landers, John, Alabama Education Association.
- Large, Jimmy G., Birmingham Fire Fighters Local 117.
- Lee, Richard G., Exxon Company, U. S. A.
- Livingston, Edwin K., Alabama Tax Assessors & Collectors.
- Lollar, Wilburn R., United Mine Workers of America.
- Longerbeam, F. Thomas, Motor Vehicle Manufacturers Association.
- Lovelace, Claude, Alabama Rural Electric.
- Lowden, James E., Alabama Christian Education Association.
- Lowery, David W., Fraternal Order of Police, Lodge No. 1.
- McBee, Douglas M., Fraternal Order of Police, Statewide.
- McCluskey, Murray P., Council for the Advancement of Private Colleges.
- McDavid, Barbara, Alabama Citizens Right to Life.
- McDonald, Charles, Alabama Retail Association.
- McGough, Jesse O., U. S. Steel.
- McGregor, Tom, Alabama Gas Corporation.
- McLemore, Sam, Alabama Textile Mfgs. Association.
- McMahan, Wayne, Alabama Dental Association.
- McMillan, Harry, Alabama Bancorporation.
- Major, William A., Alabama Retired State Employees Association.
- Mann, Floyd H., University of Alabama.
- Martin, Michael S., Alabama Education Association.
- Martin, Robert A., Administrative Office of Courts.
- Mawhinney, H. A. "Art", Alabama Wholesale Beer & Wine Association.
- Meadows, Marshall Stanley, Steel Workers Legislative Committee.
- Masters, Jeff D., Associated Builders & Contractors of Alabama, Inc.
- Oakley, Melton, Jr., Alabama Soft Drink Association.
- Miller, John W., Home Builders Association of Alabama.

Miller, Largent M., Alabama-Mississippi Independent Telephone Association.

Mintz, William E., Alabama Labor Council, AFL-CIO.

Mitchell, Charles K., Home Builders' Association of Alabama.

Mitchell, Sally, Alabama Congress of Parents & Teachers (PTA).

Mitchell, Wendell W., Alabama Bankers Association; Production Credit Assoc. of Alabama/Wyndol Murrah; Alabama State Employees Assoc.

Mobley, Gilbert, Associated Industries of Alabama.

Moulton, James Oliver, Montgomery Fire Fighters Association.

Mulligan, Louis T., Birmingham Retired Officers Association.

Nix, Lloyd, Communication Workers of America.

Nixon, Virginia D., Alabama Education Association.

O'Connor, William F., Jr., Alabama Press Association.

Parker, Alton B., NRTA-AARP.

Parsons, Milton K., Alabama Farm Bureau Federation.

Payne, Emilil L., Better Bama Babies—Alabama Council on Maternal & Infant Health.

Perry, T. Dudley, Probate Judges Association.

Phillips, Hal D., A.E.A.

Phillips, Larry R., Fraternal Order of Police.

Poe, J. Curtis, State Fraternal Order of Police.

Porter, John F., Jr., ACHE (Alabama Commission on Higher Education).

Pouncy, W. T., Brotherhood of Maintenance of Way Employees.

Powell, Jerry A., Jr., Alabama Hospital Association.

Powers, Vernon L., U.S. Steel.

Pregno, Nanette, United Transportation Union.

Prier, Claude S., Fraternal Order of Police.

Puckett, Paul E., Self.

Pugh, Chester M., Alabama State Policemen Association.

Quinn, Randy, Alabama Association of School Boards.

Reaves, Randolph P., Alabama State Bar Association.

Reed, James M., Alabama State Coon Hunters Association.

Reely, Mrs. R. H. Jr., Self.

Reickenback, Mrs. Kitty, Self.

Rhea, Marsha, Alabama Association of School Boards, Nellie Weil, Pres.

- Rice, Dr. Norman, Jefferson County Board of Education.
- Richardson, Leon, Alabama Rural Electric.
- Ritchie, James I., Alabama Trucking Association.
- Rocheleau, Millie, Better Bama Babies—Alabama Council on Maternal & Infant Health.
- Rogers, Frank E., Melvin Bailey, Jefferson County Sheriff Department.
- Roquemore, Perry C., Jr., Alabama League of Municipalities.
- Roton, Robert C., First Chapter Alabama State Retired Employees.
- Rowe, Charlie, Jacksonville State University.
- Russell, Roy Otis, State Department of Agriculture.
- Satterfield, William H., Harbert Construction Corporation.
- Schweitzer, Wayne F., Delta Air Lines, Inc.
- Sembower, James W., Dow Chemical Co.
- Shumaker, Stephen R., Alabama Education Association.
- Scott, Robert L., Container Corporation of America.
- Sharpless, Oscar, Association of County Commissions of Alabama.
- Skinner, T. Julian, Jr., Alabama By-Products Corporation.
- Sloan, Joseph E., General Motors Corporation.
- Smith, Maury D., United States Brewers Association.
- Smith, Philip H., Talladega College.
- Smith, Joseph Wilson, Alabama Chamber of Commerce.
- Smith, Walter Clifford, II, Alabama Chamber of Commerce.
- Sorrells, Reginald Lee, Association of County Commissions of Alabama.
- Sparks, Mary Ann, Alabama Citizens for Life.
- Spencer, Jerry W., Alabama Farm Bureau Federation.
- Spradling, Charles G. Jr., Low-Income Clients of Legal Services of North Central Alabama.
- Spruiell, Clemit W., Livingston University.
- Stansell, Ted M., Alabama Funeral Directors Association; Alabama Society of Dispensing Opticians; Alabama Lenders Association.
- Stifflemire, Leslie, United Transportation Union & Chapter 28 AARP.
- Still, L. L., Retired Teachers NRTA/AARP.
- Stiller, Micki, Esq., Low-Income Clients of Legal Services Corporation of Alabama, Marin Campbell, agent.
- Strain, Robert E., U.S. Steel Corporation.

Street, James A., Alabama Council for School Administration and Supervision.

Streetman, Harold E., Automobile Dealers Association of Alabama, Inc.

Strickland, Mrs. Olive, Self.

Stroud, William R., Fraternal Order of Police.

Sullivan, Bernard L., Self.

Sullivan, Jean, Self.

Sullivan, Katherine S., Mental Health Association.

Thiemonje, Frank Jr., Alabama Safety Council, Inc.

Thorington, R. D., Municipal Electric Utility Association of Alabama.

Thorn, David P., Self.

Thorn, Janet S., Self.

Tiffany, David M., University of South Alabama.

Trammell, A. G., Alabama AFL-CIO.

Tyner, Larry, Weyerhaeuser Company.

Tye, Marvin F., Alabama Wildlife Federation.

Underwood, Kenneth, South Central Bell.

Ussery, John Alabama Rural Electric.

Vann, David J., Birmingham-Jefferson Transit Authority; City of Birmingham.

Vaughan, Howard, Liberty National Life Insurance Company.

Vines, Donald Wade, Self.

Vinson, Larry Alan, Alabama Association of Realtors.

Vogle, Jesse S., Alabama Power Company.

Walter, Katherine F., Alabama Citizens for Life.

Walters, Linda K., Self.

Wasson, Don F., Alabama Mining Institute.

Watkins, John F., Alabama League of Municipalities.

Weeks, Barney, Alabama Labor Council, AFL-CIO.

Weidler, Mary B., Civil Liberties Union of Alabama.

Welch, Felix M., McMillan Lane, Commissioner of Agriculture.

Wells, Mrs. Cindy, Cullman Citizens for Life.

Wethington, L. R., Montgomery Firefighters Association.

Whiddon, Gary L., Alabama Pharmaceutical Association.

Whitaker, Richard C., Medical Association of the State of Alabama.

Wilcox, Richard D., International Paper Company.

Williams, Vicki, C., Alabama Credit Union League.

Wilson, E. Ham, Alabama Cattlemen's Association.

Whitsell, Calvin M., Tobacco Tax Council; Cole National Corporation,  
Sperry & Hutchinson.

Whitten, Vonda L., Melvin Bailey, Jefferson County Sheriff Department.

Williams, Charles H., Jr., Mid-Continent Oil & Gas Association—  
Miss.-Ala. Div.

Wolter, Gary B., Alabama Credit Union League.

Woolsey, Rev. Robert A., Concerned Christians for Good Government.

Worthy, Mildred, J., Alabama Education Association.

Wren, Gregory D., Committee for Fair Taxation.

Yeaman, James O., Automotive Wholesalers' Association of Alabama.

Young, Isabelle A., Alabama Right to Life.

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## 1980

George D. H. McMillan, Jr., <i>Lieutenant Governor</i>	State Capitol, Montgomery
Finis St. John, <i>President Pro-Tem</i>	Cullman
McDowell Lee, <i>Secretary</i>	Montgomery
Mrs. William R. Lawley, Jr., <i>Chief Clerk</i>	Montgomery
First Senatorial District	
Bobby Denton	Rt. 4, Box 387, Tuscumbia 35674
Second Senatorial District	
Charlie Britnell	Northwest Alabama State Junior College, Phil Campbell 35851
Third Senatorial District	
Charles B. Martin	P. O. Box 2204, Decatur 35602
Fourth Senatorial District	
Finis St. John	P. O. Drawer K, Cullman 35055
Fifth Senatorial District	
Robert (Bob) Hall	2601 Carson Road, Birmingham 35215
Sixth Senatorial District	
Albert McDonald	Route 1, Madison 35758
Seventh Senatorial District	
Bill Smith	Suite 410, Central Bank Building, Huntsville 35801
Eighth Senatorial District	
James Lemaster	Route 2, Box 228, Scottsboro 35768
Ninth Senatorial District	
Hinton Mitchem	P. O. Box 297, Albertville 35950
Tenth Senatorial District	
Larry H. Keener	816 Chestnut St., Gadsden 35901
Eleventh Senatorial District	
Dewey White	P. O. Box 7685A, Birmingham 35223
Twelfth Senatorial District	
Paschal P. "Pat" Vacca	1617 Mountain Dr., Tarrant 35217
Thirteenth Senatorial District	
J. Richmond Pearson	Citizens Federal Building, P. O. Box 11135, Birmingham 35202
Fourteenth Senatorial District	
Mac Parsons	603 City Federal Building, Birmingham 35203
Fifteenth Senatorial District	
U. W. Clemon	Suite 1600, 2121 Building, Birmingham 35214
Sixteenth Senatorial District	
Ryan deGraffenried, Jr.	P. O. Box 2427, Tuscaloosa 35401

## Seventeenth Senatorial District

Doug Cook ..... P. O. Box 6223-A, Tarrant 35217

## Eighteenth Senatorial District

Lister Hill Proctor ..... 121 North Norton Ave., Sylacauga 35150

## Nineteenth Senatorial District

John A. Teague ..... P. O. Box 427, Childersburg 35044

## Twentieth Senatorial District

Donald G. Holmes ..... 1915 Robinhood Dr., Oxford 36203

## Twenty-first Senatorial District

T. D. "Ted" Little ..... P. O. Box 342, Auburn 36830

## Twenty-second Senatorial District

G. J. "Dutch" Higginbotham ..... 2602 Savage Drive,  
Phenix City 36867

## Twenty-third Senatorial District

Mike Weeks ..... P. O. Box 322, Troy 36081

## Twenty-fourth Senatorial District

Chip Bailey ..... P. O. Box 6791, Dothan 36302

## Twenty-fifth Senatorial District

Wallace Miller ..... 100½ No. Main, Enterprise 36330

## Twenty-sixth Senatorial District

Don Harrison ..... 516 S. Perry St., Montgomery 36104

## Twenty-seventh Senatorial District

Bishop N. Barron ..... P. O. Box 221, Montgomery 36104

## Twenty-eighth Senatorial District

Cordy Taylor ..... P. O. Box 596, 839 S. Memorial Drive,  
Prattville 36067

## Twenty-ninth Senatorial District

Earl Goodwin ..... P. O. Box 886, Selma 36701

## Thirtieth Senatorial District

Edward D. "Big Ed" Robertson ..... P. O. Box 331, Northport 35476

## Thirty-first Senatorial District

Reo Kirkland, Jr. .... P. O. Box 646, 102 St. Joseph,  
Brewton 36426

## Thirty-second Senatorial District

Robert I. "Bob" Gullledge ..... P. O. Drawer 3376  
Robertsdale 36567

## Thirty-third Senatorial District

Michael A. Figures ..... 1407 Davis Avenue, Mobile 36603

## Thirty-fourth Senatorial District

H. L. "Sonny" Callahan ..... P. O. Box 1208, Mobile 36601

## Thirty-fifth Senatorial District

Bob Glass ..... 733 Lakeshore Dr., W. Mobile 36609

**STANDING COMMITTEES  
OF THE  
ALABAMA STATE SENATE  
1980**

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**FINANCE AND TAXATION**

Pearson, Chairman; Little, Vice-Chairman; Barron, Callahan, deGraffenried, Denton, Glass, Gullette, Higginbotham, Holmes, Keener, McDonald, Miller, Mitchem, Proctor, Robertson, Smith, St. John, Vacca.

**RULES**

McDonald, Chairman; Harrison, Vice-Chairman; Clemon, Higginbotham, Mitchem, Pearson, St. John.

**JUDICIARY**

Clemon, Chairman; deGraffenried, Vice-Chairman; Barron, Britnell, Cook, Figures, Harrison, Keener, Kirkland, Parsons, Proctor, Robertson, Teague, Vacca, White.

**GOVERNMENTAL AFFAIRS**

Smith, Chairman; Martin, Vice-Chairman; Bailey, Cook, Denton, Figures, Gullette, Hall, Holmes, Lemaster, Parsons, Pearson, Proctor.

**AGRICULTURE, CONSERVATION AND FORESTRY**

Mitchem, Chairman; Kirkland, Vice-Chairman; Bailey, Britnell, Denton, Figures, Goodwin, Gullette, Hall, Lemaster, Little, Martin, Miller, Taylor, Weeks.

**BUSINESS AND LABOR RELATIONS**

Keener, Chairman; Taylor, Vice-Chairman; Callahan, Cook, Figures, Glass, Harrison, Little, Weeks.

**EDUCATION**

Higginbotham, Chairman; Hall, Vice-Chairman; Bailey, Britnell, Goodwin, Keener, Little, Taylor, White.

**HEALTH AND WELFARE**

White, Chairman; Proctor, Vice-Chairman; Britnell, deGraffenried, Denton, Harrison, Holmes, Miller, Smith.

**BANKING AND INSURANCE**

Bailey, Chairman; Barron, Vice-Chairman; Callahan, Cook, Glass, Goodwin, Gullette, Higginbotham, Lemaster, Martin, Parsons, Taylor, Teague, Vacca, Weeks.

**COMMERCE, TRANSPORTATION AND UTILITIES**

Teague, Chairman; Callahan, Vice-Chairman; Clemon, Goodwin, Kirkland, Martin, Parsons, Weeks, White.

**LOCAL LEGISLATION NO. 1**

Holmes, Chairman; Lemaster, Vice-Chairman; Callahan, deGraffenried, Figures, Glass, Mitchem, McDonald, Robertson, Smith, St. John.

**LOCAL LEGISLATION NO. 2.**

Vacca, Chairman; Hall, Vice-Chairman; Clemon, Cook, Parsons, Pearson, Proctor, White.

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**STANDING COMMITTEE ASSIGNMENTS****FOR 1980****ALABAMA STATE SENATE****24th District**

CHIP BAILEY—Chairman, Banking and Insurance; Governmental Affairs; Agriculture, Conservation and Forestry; Education.

**27th District**

BISHOP N. BARRON—Vice-Chairman, Banking and Insurance; Finance and Taxation; Judiciary.

**2nd District**

CHARLIE BRITNELL—Judiciary; Agriculture, Conservation and Forestry; Education; Health and Welfare.

**34th District**

H. L. "SONNY" CALLAHAN—Vice-Chairman, Commerce, Transportation and Utilities; Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

**15th District**

U. W. CLEMON—Chairman, Judiciary; Rules; Commerce, Transportation and Utilities; Local Legislation No. 2.

**17th District**

DOUG COOK—Judiciary; Governmental Affairs; Business and Labor Relations; Banking and Insurance; Local Legislation No. 2.

**16th District**

RYAN deGRAFFENRIED, JR.—Vice-Chairman, Judiciary; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

**1st District**

BOBBY DENTON—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Health and Welfare.

**33rd District**

MICHAEL A. FIGURES—Judiciary; Governmental Affairs; Agriculture, Conservation and Forestry; Business and Labor Relations; Local Legislation No. 1.

**35th District**

BOB GLASS—Finance and Taxation; Business and Labor Relations; Banking and Insurance; Local Legislation No. 1.

## 29th District

EARL GOODWIN—Agriculture, Conservation and Forestry; Education; Banking and Insurance; Commerce, Transportation and Utilities.

## 32nd District

ROBERT I "BOB" GULLEDGE—Finance and Taxation; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

## 5th District

ROBERT "BOB" HALL—Vice-Chairman, Education; Vice-Chairman, Local Legislation No. 2; Governmental Affairs; Agriculture, Conservation and Forestry.

## 26th District

DON HARRISON—Vice-Chairman, Rules; Judiciary; Business and Labor Relations; Health and Welfare.

## 22nd District

G. J. "DUTCH" HIGGINBOTHAM—Chairman, Education; Finance and Taxation; Rules; Banking and Insurance.

## 20th District

DONALD G. HOLMES—Chairman, Local Legislation No. 1; Finance and Taxation; Governmental Affairs; Health and Welfare.

## 10th District

LARRY H. KEENER—Chairman, Business and Labor Relations; Finance and Taxation; Judiciary; Education.

## 31st District

REO KIRKLAND, JR.—Vice-Chairman, Agriculture, Conservation and Forestry; Judiciary; Commerce, Transportation and Utilities.

## 8th District

JAMES LEMASTER—Vice-Chairman, Local Legislation No. 1; Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance.

## 21st District

T. D. "TED" LITTLE—Vice-Chairman, Finance and Taxation; Agriculture, Conservation and Forestry; Business and Labor Relations; Education.

## 3rd District

CHARLES B. MARTIN—Vice-Chairman, Governmental Affairs; Agriculture, Conservation and Forestry; Banking and Insurance; Commerce, Transportation and Utilities.

## 6th District

ALBERT McDONALD—Chairman, Rules; Finance and Taxation; Local Legislation No. 1.

## 25th District

WALLACE MILLER—Finance and Taxation; Agriculture, Conservation and Forestry; Health and Welfare.

## 9th District

HINTON MITCHEM—Chairman, Agriculture, Conservation and Forestry; Finance and Taxation; Rules; Local Legislation No. 1.

## 14th District

MAC PARSONS—Judiciary; Governmental Affairs; Banking and Insurance; Commerce, Transportation and Utilities; Local Legislation No. 2.

## 13th District

J. RICHMOND PEARSON—Chairman, Finance and Taxation; Rules; Governmental Affairs; Local Legislation No. 2.

## 18th District

LISTER HILL PROCTOR—Vice-Chairman, Health and Welfare; Finance and Taxation; Judiciary; Governmental Affairs; Local Legislation No. 2.

## 30th District

EDWARD D. "BIG ED" ROBERTSON—Finance and Taxation; Judiciary; Local Legislation No. 1.

## 4th District

FINIS ST. JOHN—Finance and Taxation; Rules; Local Legislation No. 1.

## 7th District

BILL SMITH—Chairman, Governmental Affairs; Finance and Taxation; Health and Welfare; Local Legislation No. 1.

## 28th District

CORDY TAYLOR—Vice-Chairman, Business and Labor Relations; Agriculture, Conservation and Forestry; Education; Banking and Insurance.

## 19th District

JOHN A. TEAGUE—Chairman, Commerce, Transportation and Utilities; Judiciary; Banking and Insurance.

## 12th District

PASCHAL P. "PAT" VACCA—Chairman, Local Legislation No. 2; Finance and Taxation; Judiciary; Banking and Insurance.

## 23rd District

MIKE WEEKS—Agriculture, Conservation and Forestry; Business and Labor Relations; Banking and Insurance; Commerce, Transportation and Utilities.

## 11th District

DEWEY WHITE—Chairman, Health and Welfare; Judiciary; Education; Commerce, Transportation and Utilities; Local Legislation No. 2.

## HOUSE OF REPRESENTATIVES

### ALPHABETICAL ROSTER AND DISTRICT NUMBER

Charles H. Adams, 66  
H. H. "Bill" Adams, 30  
Robert E. Albright, 20  
John E. Amari, 34  
Park Barton, 46  
Ann Bedsole, 101  
Jim Bennett, 37  
Jack Biddle, III, 35  
A. J. Blake, 56  
Hugh Boles, 42  
William C. "Bill" Bowling, 11

Carl C. Brakefield, 12  
James E. Buskey, 99  
W. J. "Bill" Cabaniss, Jr., 31  
James M. Campbell, 59  
Joe R. Carothers, Jr., 71  
Tommy Carter, 16  
Eric O. Cates, Jr., 84  
Earl Cheatwood, 14  
George N. Clark, 88  
William Clark, 98  
Wayne Cobb, 5

Tom C. Coburn, 3  
Steve Cooley, 10  
W. F. "Noppie" Cosby, Jr., 85  
Bobby C. Crow, 58  
Gene Daniels, 73  
Gerald O. Dial, 60  
Larry D. Dixon, 81  
Bill Drinkard, 29  
William D. Edwards, 83  
Joe M. Ford, 28  
Robert C. "Bob" Gafford, 33  
Charles T. Gilmer, 6  
J. W. "Joe" Goodwin, 4  
Lynn Greer, 1  
Richard Gregg, 19  
George H. Grimsley, 70  
E. A. Grouby, Jr., 82  
Albert Hall, 22  
Seth Hammett, 75  
Owen Harper, 62  
Taylor F. Harper, 105  
A. L. "Tony" Harrison, 44  
Bob Harvey, 27  
L. Brooks Hines, 91  
Jimmy W. Holley, 74  
Alvin Holmes, 80  
William Fred Horn, 39  
Asbury Howard, 49  
Ronald E. Jackson, 38  
Ronald G. Johnson, 54  
Roy W. Johnson, Jr., 47  
Phillip "Phil" B. Kelley, 26  
Yvonne Kennedy, 103  
Richard Laird, 61  
Charles D. Langford, 77  
S. R. "Sam" Letson, 7  
M. Duane Lewis, 50  
Joe C. McCorquodale, Jr., 92  
Bob McKee, 79  
John M. McMillan, Jr., 95  
Resigned 8-25-80  
Richard S. "Rick" Manley, 87

Preston "Mann" Minus, Jr., 90  
Earl Mitchell, 89  
Sonny Moore, Jr., 52  
Alvis Naramore, 13  
C. Howard Nevett, 41  
J. Fred Olive, II, 40  
Walter Owens, 48  
V. M. Parker, 97  
Robert Elliott "Bob" Patton, 8  
Arthur Payne, 15  
Leigh Pegues, 86  
Walter E. Penry, Jr., 94  
T. Euclid Rains, Sr., 25  
James E. Ray, 68  
Thomas Reed, 67  
Frank Riddick, 18  
Tommy Ed Roberts, 9  
J. Thomas Sandusky, 100  
James G. Sasser, 69  
George Seibels, 32  
Cecil Shavers, 23  
Wallace Shoemaker, 55  
Curtis Smith, 53  
James P. Smith, 17  
Martha Jo Smith, 21  
Nelson R. Starkey, Jr., 2  
George Stewart, 104  
J. David Stout, 24  
Hoyt W. Trammell, 36  
Jerome Tucker, 43  
J. E. Turner, 96  
Pete Turnham, 63  
Jack B. Venable, 76  
J. T. "Jabo" Waggoner, Jr., 51  
Shelby Dean Ward, 64  
J. E. "Jimmy" Warren, 93  
Charles W. Whatley, 65  
R. Nolan Williams, 72  
Gerald Willis, 57  
Cecil Wyatt, 78  
Mary S. Zoghby, 102

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**ROSTER**  
**HOUSE OF REPRESENTATIVES**  
**OF ALABAMA, 1980**

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JOE C. McCORQUODALE, JR., *Speaker*, Jackson

RICHARD S. (RICK) MANLEY  
*Speaker Pro-Tem*, Demopolis

JOHN W. PEMBERTON, *Clerk*, Montgomery

**MEMBERS OF THE HOUSE**

Dist. No.	Counties	Name	Address
1	LAUDERDALE	Lynn Greer .....	Rt. 3, Box 102, Rogersville 35652
2	LAUDERDALE	Nelson R. Starkey, Jr. ....	158 Cedarcrest Drive, Florence 35630
3	LAUDERDALE, COLBERT, FRANKLIN	Tom Coburn .....	1107 E. Third St., Tuscumbia 35674
4	COLBERT, FRANKLIN	J. W. (Joe) Goodwin .....	310 Ford Road, Muscle Shoals 35660
5	FRANKLIN, MARION	Wayne Cobb .....	Rt. 4, Hamilton 35570
6	LAMAR, MARION, FAYETTE	Charles T. Gilmer .....	P. O. Box 665, Vernon 35592
7	LAWRENCE, MORGAN	S. R. (Sam) Letson .....	P. O. Box 156-B, Moulton 35650
8	MORGAN	Robert E. (Bob) Patton .....	P. O. Box 786, Decatur 35601
9	MORGAN	Tommy Ed Roberts .....	Brookwood Street, P. O. Box 1298, Hartselle 35640
10	MORGAN, CULLMAN	Steve Cooley .....	P. O. Box 402, Cullman 35055
11	CULLMAN, WINSTON	W. C. (Bill) Bowling .....	Rt. 2, Hanceville 35077
12	WINSTON, WALKER	Carl C. Brakefield .....	P. O. Box G, Carbon Hill 35549
13	WALKER	Alvis Naramore .....	Rt. 10, Jasper 35501
14	JEFFERSON, BLOUNT	Earl Cheatwood .....	Rt. 1, Box 932, Warrior 35180



- 15 JEFFERSON  
Arthur Payne ..... 2825 2nd. St., N.W., Birmingham 35215
- 16 LIMESTONE  
Tommy Carter ..... Rt. 2, Box 72, Elkmont 35620
- 17 LIMESTONE, MADISON  
James P. (Jim) Smith ..... 108 South Side Square  
Huntsville 35801
- 18 MADISON  
Frank H. Riddick .... 7804 Lauderdale Rd., S.W., Huntsville 35802
- 19 MADISON  
Richard Gregg ..... 4007 Nelson Dr., Huntsville 35810
- 20 MADISON  
Robert E. Albright ..... 2024 Stanhope Dr., N.E.,  
Huntsville 35811
- 21 Martha Jo Smith ..... 1700 Big Cove Rd., S.E., Huntsville 35801
- 22 MADISON, JACKSON  
Albert Hall ..... P. O. Box 275, Gurley 35748
- 23 JACKSON  
Cecil Shavers ..... Jackson County Court House,  
Scottsboro 35768
- 24 JACKSON, DeKALB  
J. David Stout ..... 3811 Clark Ave., N.E., Fort Payne 35967
- 25 DeKALB, MARSHALL  
T. Euclid Rains, Sr. .... Rt. 1, Box 326, Albertville 35950
- 26 MARSHALL  
Phillip B. (Phil) Kelley ..... Rt. 2, Box 486, Guntersville 35976
- 27 BLOUNT, ETOWAH, MARSHALL  
Bob Harvey ..... Rt. 4, Box 342, Oneonta 35121
- 28 ETOWAH  
Joe Ford ..... 117 Arcade St. E., Gadsden 35903
- 29 ETOWAH  
Bill Drinkard ..... P. O. Box 372, Gadsden 35902
- 30 ETOWAH, CHEROKEE  
H. H. (Bill) Adams ..... Rt. 3, Box 257, Piedmont 36272
- 31 JEFFERSON  
W. J. (Bill) Cabaniss ..... P. O. Box 57032, Birmingham 35209
- 32 JEFFERSON  
George Seibels ..... 4016 10th Ave., So., Birmingham 35222
- 33 JEFFERSON  
Robert C. (Bob) Gafford ... 5345 Division Ave., Birmingham 35212
- 34 JEFFERSON  
John E. Amari ..... 9636 Parkway E., Birmingham 35215

- 35 JEFFERSON  
Jack Biddle, III ..... 2256 Pinehurst Dr., Gardendale 35071
- 36 JEFFERSON  
Hoyt W. Trammell ..... Rt. 15, Box 247, Birmingham 35224
- 37 JEFFERSON  
Jim Bennett ..... Dept of Public Affairs, B'ham Southern College,  
800-8th Ave., West, Birmingham 35204
- 38 JEFFERSON  
Ronald E. Jackson ..... 1324 Elmwood St., Birmingham 35211
- 39 JEFFERSON  
William Fred Horn ..... 333 16th Ave. S.W., Birmingham 35211
- 40 Jefferson  
J. Fred Olive, II ..... 1612 27th St. W., Birmingham 35218
- 41 JEFFERSON  
C. Howard Nevett ..... 5028 Parkway Ave., Fairfield 35064
- 42 JEFFERSON  
Hugh Boles ..... 1036 Normandale Circle, Hueytown 35020
- 43 JEFFERSON  
Jerome Tucker ..... Suite 1722, 2121 Building, 8th Ave. N.,  
Birmingham 35203
- 44 JEFFERSON  
A. L. (Tony) Harrison ..... 1639 4th Ave. No., Birmingham 35203
- 45 JEFFERSON  
Vacant, election 1/6/81
- 46 TUSCALOOSA  
Park Barton ..... P. O. Box 338, Tuscaloosa 35401
- 47 TUSCALOOSA  
Roy W. Johnson, Jr. .... Route 4, Box 140, Tuscaloosa 35405
- 48 TUSCALOOSA, BIBB  
Walter Owens ..... 107 Court Sq. West, Centreville 35042
- 49 TUSCALOOSA, JEFFERSON  
Asbury Howard ..... 1930 Exeter Ave., Bessemer 35020
- 50 JEFFERSON  
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- 51 JEFFERSON, SHELBY  
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- 52 JEFFERSON, SHELBY, TALLADEGA  
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- 53 CHILTON, SHELBY  
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- 54 COOSA, TALLADEGA  
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- 55 TALLADEGA  
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- 56 ST. CLAIR, CALHOUN  
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- 57 CALHOUN  
Gerald Willis ..... Rt. 2, Box 286, Piedmont 36272
- 58 CALHOUN  
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- 59 CALHOUN  
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- 60 CLAY, CLEBURNE, TALLADEGA  
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- 61 RANDOLPH, CHAMBERS  
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- 62 TALLAPOOSA, CHAMBERS  
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- 63 TALLAPOOSA, LEE, CHAMBERS  
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- 64 CHAMBERS, LEE  
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- 65 LEE, RUSSELL, BARBOUR  
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- 66 RUSSELL  
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- 67 MACON, BULLOCK  
Thomas Reed .... Drawer EE, Tuskegee Institute, Tuskegee 36088
- 68 PIKE, COFFEE, BULLOCK, BARBOUR  
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- 69 DALE, BARBOUR, HENRY  
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- 70 HOUSTON, HENRY, BARBOUR  
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- 72 DALE  
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- 73 GENEVA, COVINGTON, HOUSTON  
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- 74 COVINGTON, COFFEE  
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- 75 COVINGTON  
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- 76 ELMORE  
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- 78 MONTGOMERY, CRENSHAW  
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- 79 MONTGOMERY  
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- 80 MONTGOMERY  
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- 82 AUTAUGA, ELMORE, LOWNDES, MONTGOMERY  
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- 83 WILCOX, LOWNDES, DALLAS  
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- 84 BUTLER, CRENSHAW  
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- 85 DALLAS, AUTAUGA  
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- 86 DALLAS, PERRY, MARENGO  
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- 87 MARENGO, SUMTER, HALE, GREENE  
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- 88 GREENE, PICKENS, TUSCALOOSA, HALE  
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- 89 TUSCALOOSA, PICKENS  
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- 90 SUMTER, CHOCTAW  
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- 93 MONROE, CONECUH, ESCAMBIA  
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- 94 BALDWIN  
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- 96 WASHINGTON, MOBILE  
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- 97 MOBILE  
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- 98 MOBILE  
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- 99 MOBILE  
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- 100 MOBILE  
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- 101 MOBILE  
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- 102 MOBILE  
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- 103 MOBILE  
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- 104 MOBILE  
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- Chattahoochee river, development of, fort Walton and Geneva river rats' efforts in promoting, commended—  
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- Chilton county volunteer fire departments commended—  
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rendered help, commended—  
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Lister, miss Elizabeth, congratulated—  
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mended—  
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- Montevallo high school bank, commended—  
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